

**TOWN OF CANMORE  
AGENDA**

Regular Meeting of Council  
Council Chamber at the Civic Centre, 902 – 7 Avenue  
**Tuesday, November 5, 2024 at 9:00 a.m.**

Times are estimates only.

- 9:00 – 9:05     **A. CALL TO ORDER AND APPROVAL OF AGENDA**
1. **Land Acknowledgement**
  2. **Agenda for the November 5, 2024 Regular Meeting of Council**
- 9:05 – 9:25     **B. PUBLIC HEARINGS**
1. **Revised Land Use Bylaw Amendment 2024-22 – Wildlife Exclusion Fencing**
    - (1) Call to order
    - (2) Administration Summary
    - (3) Public Verbal Submissions
    - (4) Public Written Submissions
    - (5) Closing Comments from Administration
    - (6) Council Questions of Administration
    - (7) Adjournment of the Public Hearing
- 9:25 – 9:55     **2. Business Registry Licence Bylaw Amendment 2024-27 - Omnibus**
  - (1) Call to order
  - (2) Administration Summary
  - (3) Public Verbal Submissions
  - (4) Public Written Submissions
  - (5) Closing Comments from Administration
  - (6) Council Questions of Administration
  - (7) Adjournment of the Public Hearing
- 9:55 – 10:00     **C. DELEGATIONS – none**
- 9:55 – 10:00     **D. APPROVAL OF MINUTES**
1. **Minutes of the October 1, 2024 Regular Meeting of Council**
  2. **Minutes of the October 15, 2024 Special Meeting of Council**
- 10:00 – 10:40     **E. BUSINESS ARISING FROM THE MINUTES**
1. **Town of Canmore Municipal Development Plan Amendment 2024-07 – Discouraging Employee Housing in Industrial Areas and Revised Land Use Bylaw Amendment 2024-08 – Removal of Employee Housing from Industrial Districts**

Recommendation:

    - 1) That Council give second reading to the Town of Canmore Municipal Development Plan Amendment 2024-07 – Discouraging Employee Housing in Industrial Areas.
    - 2) That Council give third reading to the Town of Canmore Municipal Development Plan Amendment 2024-07 – Discouraging Employee Housing in Industrial Areas.

- 3) That Council give second reading to the amended Revised Land Use Bylaw Amendment 2024-08 – Removal of Employee Housing from Industrial Districts.
- 4) That Council amend Revised Land Use Bylaw Amendment 2024-08 by adding the following section after section 20 and renumbering subsequent sections accordingly: “21 Section 5.4.6.6 is repealed.”
- 5) That Council give third reading to Revised Land Use Bylaw Amendment 2024-08 – Removal of Employee Housing from Industrial Districts.

10:40 – 10:55 **Meeting Break**

10:55 – 11:10 **2. Council Paid Medical, Family Caregiver, and Compassionate Care Leaves Policy**

Recommendation: That Council approve the Paid Medical, Family Caregiver, and Compassionate Care Leaves for Members of Council Policy EX-010 as presented.

**F. UNFINISHED BUSINESS – none**

**G. BYLAW APPROVAL**

11:10 – 11:20 **1. Revised Land Use Bylaw Amendment 2024-22 – Wildlife Exclusion Fencing**

Recommendation:

- 1) That Council give second reading to Revised Land Use Bylaw Amendment 2024-22 – Wildlife Exclusion Fencing.
- 2) That Council give third reading to Revised Land Use Bylaw Amendment 2024-22 – Wildlife Exclusion Fencing.

11:35 – 11:50 **2. Business Registry Licence Bylaw Amendment 2024-27 - Omnibus**

Recommendation:

- 1) That Council give second reading to Business Registry Licence Bylaw Amendment 2024-27 – Omnibus.
- 2) That Council give third reading to Business Registry Licence Bylaw Amendment 2024-27 – Omnibus.

11:50 – 12:10 **3. Revised Land Use Bylaw Amendment 2024-30 – Tourist Home Conversions**

Recommendation: That Council give first reading to Revised Land Use Bylaw Amendment 2024-30 – Tourist Home Conversions and schedule a public hearing for December 3, 2024.

12:10 – 1:10 **Lunch Break**

**H. NEW BUSINESS**

1:10 – 1:40

**1. Extended Producer Responsibility**

Recommendation: That Council approve the signing of contracts with Producer Responsibility Organizations to allow the Town to opt in and become an Extended Producer Responsibility service provider.

1:40 – 1:55

**2. Property Tax Policy FIN-005 Amendment and Division of Class 1 Property Bylaw Amendment 2024-31 – Subclass Addition**

Recommendation:

- 1) That Council give first reading to Division of Class 1 Property Bylaw Amendment 2024-31 – Subclass Addition.
- 2) That Council give second reading to Division of Class 1 Property Bylaw Amendment 2024-31 – Subclass Addition.
- 3) That Council give leave to go to third reading of Division of Class 1 Property Bylaw Amendment 2024-31 – Subclass Addition.
- 4) That Council give third reading to Division of Class 1 Property Bylaw Amendment 2024-31 – Subclass Addition.
- 5) That Council approve Property Tax Policy FIN-005 as amended.

1:55 – 2:10

**3. Reserves Policy FIN-007 Amendment**

Recommendation: That Council approve Reserves Policy FIN-007 as amended.

2:10 – 2:15

**4. 2024 Capital Budget Amendment – Community Fireguard Construction**

Recommendation: That Council approve a new 2024 capital project for the construction of community fireguards in Stoneworks Creek, Harvie Heights, and the East Park Gates funded in full by the Forest Resource Improvement Association of Alberta (FRIAA) grant in the amount of \$750,000.

2:15 – 2:30

**Meeting Break**

**I. REPORTS FROM ADMINISTRATION – none**

**J. NOTICES OF MOTION – none**

**K. CLOSED SESSION**

2:30 – 3:00

**1. Confidential – LPRT Hearing Update**

Recommendation: That Council close the meeting to the public to prevent disclosure of information that is subject to legal privilege in accordance with section 27 of the *Freedom of Information and Protection of Privacy Act*.

3:00

**L. ADJOURNMENT**

**TOWN OF CANMORE  
MINUTES**

Regular Meeting of Council  
Council Chamber at the Civic Centre, 902 – 7 Avenue  
**Tuesday, October 1, 2024 at 9:00 a.m.**

**COUNCIL MEMBERS PRESENT**

Sean Krausert	Mayor
Tanya Foubert	Councillor
Wade Graham	Councillor
Jeff Hilstad	Councillor
Jeff Mah	Councillor
Karen Marra	Councillor

**COUNCIL MEMBERS ABSENT**

Joanna McCallum	Deputy Mayor
-----------------	--------------

**ADMINISTRATION PRESENT**

Sally Caudill	Chief Administrative Officer
Shravan Popuri	Manager of IT / General Manager of Corporate Services
Whitney Smithers	General Manager of Municipal Infrastructure
Scott McKay	General Manager of Municipal Services
Cheryl Hyde	Manager of the Municipal Clerk's Office
Ben Stiver	Municipal Clerk (recorder)
Harry Shnider	Manager of Planning and Development
Adam Driedzic	Town Solicitor
Caitlin Miller	Manager of Protective Services / Director of Emergency Management
Johanna Sauve	Manager of Human Resources
Amanda Hunter	Peace Officer

Mayor Krausert called the October 1, 2024 regular meeting to order at 9:05 a.m.

**A. CALL TO ORDER AND APPROVAL OF AGENDA**

1. **Land Acknowledgement**
2. **Agenda for the October 1, 2024 Regular Meeting of Council**

198-2024

Moved by Mayor Krausert that Council approve the agenda for the October 1, 2024 meeting as presented.

**CARRIED UNANIMOUSLY**

**B. PUBLIC HEARINGS**

1. **Road Closure Bylaw 2024-17 – Mountain Avenue**
  - (1) **Call to order**

Mayor Krausert called the public hearing to order for Road Closure Bylaw 2024-17 – Mountain Avenue at 9:08 a.m.

**(2) Administration Summary**

Administration provided a verbal briefing on the proposed Road Closure Bylaw 2024-17 – Mountain Avenue.

**(3) Public Submissions**

In favour

Name	Verbal	Written
Dale Hildebrand		X

**(4) Public Written Submissions**

The recording secretary read into the record the name of the individual who provided a written submission. This submission is recorded in the list of public submissions above and is published in the record of public submissions for this meeting.

**(5) Closing Comments from Administration**

None.

**(6) Council Questions of Administration**

None.

**(7) Adjournment of the Public Hearing**

Mayor Krausert adjourned the public hearing at 9:13 a.m.

**C. DELEGATIONS – none**

**D. APPROVAL OF MINUTES**

**1. Minutes of the August 20, 2024 Regular Meeting of Council**

199-2024 Moved by Mayor Krausert that Council approve the minutes of the August 20, 2024 regular meeting as scheduled.

**CARRIED UNANIMOUSLY**

**2. Minutes of the September 3, 2024 Regular Meeting of Council**

200-2024 Moved by Mayor Krausert that Council approve the minutes of the September 3, 2024 regular meeting as scheduled.

**CARRIED UNANIMOUSLY**

**E. BUSINESS ARISING FROM THE MINUTES – none**

**F. UNFINISHED BUSINESS – none**

**G. BYLAW APPROVAL**

**1. Road Closure Bylaw 2024-17 – Mountain Avenue**

201-2024 Moved by Mayor Krausert that Council amend Section 2 of Road Closure 2024-17 – Mountain Avenue by striking out “875” and substituting “255”.

**CARRIED UNANIMOUSLY**

Minutes approved by: \_\_\_\_\_

- 202-2024 Moved by Mayor Krausert that Council direct administration to forward the required materials respecting Road Closure Bylaw 2024-17 – Mountain Avenue to the Minister of Transportation and Economic Corridors for approval.  
**CARRIED UNANIMOUSLY**
- 203-2024 **2. Land Use Bylaw Amendment 2024-22 – Wildlife Exclusion Fencing**  
Moved by Mayor Krausert that Council give first reading to Revised Land Use Bylaw Amendment 2024-22 – Wildlife Exclusion Fencing and schedule a public hearing for November 5, 2024.  
**CARRIED UNANIMOUSLY**
- 204-2024 **3. Council Code of Conduct Bylaw 2024-06**  
Moved by Mayor Krausert that Council give first reading to Council Code of Conduct Bylaw 2024-26.  
**CARRIED UNANIMOUSLY**
- 205-2024 Moved by Mayor Krausert that Council give second reading to Council Code of Conduct Bylaw 2024-26.  
**CARRIED UNANIMOUSLY**
- 206-2024 Moved by Mayor Krausert that Council give leave to go to third reading of Council Code of Conduct Bylaw 2024-26.  
**CARRIED UNANIMOUSLY**
- 207-2024 Moved by Mayor Krausert that Council give third reading to Council Code of Conduct Bylaw 2024-26.  
**CARRIED UNANIMOUSLY**

**Meeting Break 9:36 a.m. – 9:46 a.m.**

**H. NEW BUSINESS**

- 208-2024 **1. Council Paid Medical Leaves Policy and Maternity and Parental Leaves Bylaw**  
Moved by Mayor Krausert that Council postpone consideration of proposed Policy EX-010 until the November 5, 2024 regular meeting of council and direct administration to return with a revised policy adding components of Family Caregiver Leave and Compassionate Care Leave, including renaming the proposed policy accordingly.  
**CARRIED UNANIMOUSLY**
- 209-2024 Moved by Mayor Krausert that Council give first reading to Maternity and Parental Leaves for Elected Officials Bylaw 2024-28.  
**CARRIED UNANIMOUSLY**
- 210-2024 Moved by Mayor Krausert that Council give second reading to Maternity and Parental Leaves for Elected Officials Bylaw 2024-28.  
**CARRIED UNANIMOUSLY**

Minutes approved by: \_\_\_\_\_

211-2024 Moved by Mayor Krausert that Council give leave to go to third reading of Maternity and Parental Leaves for Elected Officials Bylaw 2024-28.  
**CARRIED UNANIMOUSLY**

212-2024 Moved by Mayor Krausert that Council give third reading to Maternity and Parental Leaves for Elected Officials Bylaw 2024-28.  
**CARRIED UNANIMOUSLY**

**2. Alberta Community Partnership Grant – Bow Valley Evacuation Modelling and Plan**

213-2024 Moved by Mayor Krausert that Council approve the submission of an Alberta Community Partnership Grant application for a Bow Valley Evacuation Modelling and Plan Project.  
**CARRIED UNANIMOUSLY**

**I. REPORTS FROM ADMINISTRATION – none**

**J. NOTICES OF MOTION – none**

**K. CLOSED SESSION – none**

**L. ADJOURNMENT**

214-2024 Moved by Mayor Krausert that Council adjourn the October 1, 2024 regular meeting at 10:26 a.m.  
**CARRIED UNANIMOUSLY**

\_\_\_\_\_  
Sean Krausert  
Mayor

\_\_\_\_\_  
Ben Stiver  
Municipal Clerk

Minutes approved by: \_\_\_\_\_

**TOWN OF CANMORE  
MINUTES**

Special Meeting of Council  
Council Chamber at the Civic Centre, 902 – 7 Avenue  
**Tuesday, October 15, 2024 at 3:00 p.m.**

**COUNCIL MEMBERS PRESENT**

Sean Krausert	Mayor
Joanna McCallum	Deputy Mayor
Tanya Foubert	Councillor
Wade Graham	Councillor
Jeff Hilstad	Councillor
Jeff Mah	Councillor
Karen Marra	Councillor

**COUNCIL MEMBERS ABSENT**

None

**ADMINISTRATION PRESENT**

Sally Caudill	Chief Administrative Officer
Johanna Sauve	Manager of Human Resources / General Manager of Corporate Services
Whitney Smithers	General Manager of Municipal Infrastructure
Eleanor Milette	Manager of Economic Development / General Manager of Municipal Services
Cheryl Hyde	Manager, Municipal Clerk's Office
Ben Stiver	Municipal Clerk (recorder)

Mayor Krausert called the October 15, 2024 special meeting to order at 3:00 p.m.

**A. CALL TO ORDER AND APPROVAL OF AGENDA**

- 1. Land Acknowledgement**
- 2. Agenda for the October 15, 2024 Special Meeting of Council**

215-2024

Moved by Mayor Krausert that Council approve the agenda for the October 15, 2024 special meeting as presented.

**CARRIED UNANIMOUSLY**

**B. PUBLIC HEARINGS – none**

**C. DELEGATIONS – none**

**D. APPROVAL OF MINUTES – none**

**E. BUSINESS ARISING FROM THE MINUTES – none**

**F. UNFINISHED BUSINESS – none**

**G. BYLAW APPROVAL**



**1. Business Registry Licence Bylaw Amendment 2024-27 – Omnibus**

216-2024

Moved by Mayor Krausert that Council give first reading to Business Registry Licence Bylaw Amendment 2024-27 – Omnibus and schedule a public hearing for November 5, 2024.

216A-2024

Moved by Mayor Krausert that Council amend motion 216-2024 by adding “amend section 34 by striking out “Home Occupation – Class 1 and Home Occupation – Class 2 Businesses, as well as Businesses operating in a co-working space, that can verify gross annual revenue of less than \$30,000, are eligible to apply for a Micro-Business Licence as outlined in Schedule A.” and substituting “If an Applicant for a Home Occupation – Class 1, Home Occupation – Class 2, or Businesses operating in a co-working space completes a Business Registry License application confirming a gross annual revenue of less than \$30,000, the Applicant is eligible to pay the Micro-Business Licence fee set out in in Schedule A.””

**CARRIED UNANIMOUSLY**

216B-2024

Moved by Mayor Krausert that Council amend motion 216-2024 by adding “add the following after section 40: “40.1 Section 9.2 is amended by striking out “unlawfully completes the written declaration required under” and substituting “provides false information for the purpose of qualifying for a Micro-Business Licence fee in accordance with”.”

**CARRIED UNANIMOUSLY**

216C-2024

Moved by Mayor Krausert that Council amend motion 216-2024 by adding “add the following after section 40 “40.2 The following is added after section 9.1: “9.1.1 Notwithstanding section 9.1, any person operating a Tourist Home for short-term rental in an area not permitted by the Land Use Bylaw is in contravention of this bylaw and is guilty of an offence and is liable for the following penalties: first offence within a calendar year \$2,500, second offence \$5,000, and \$10,000 for third or subsequent offences.””

**CARRIED UNANIMOUSLY**

216-2024

The vote followed on motion 216-2024 that Council give first reading to Business Registry Licence Bylaw Amendment 2024-27 – Omnibus amended as follows and schedule a public hearing for November 5, 2024:

- “amend section 34 by striking out “Home Occupation – Class 1 and Home Occupation – Class 2 Businesses, as well as Businesses operating in a co-working space, that can verify gross annual revenue of less than \$30,000, are eligible to apply for a Micro-Business Licence as outlined in Schedule A.” and substituting “If an Applicant for a Home Occupation – Class 1, Home Occupation – Class 2, or Businesses operating in a co-working space completes a Business Registry License application confirming a gross annual revenue of less than \$30,000, the Applicant is eligible to pay the Micro-Business Licence fee set out in in Schedule A.”
- add the following after section 40: “40.1 Section 9.2 is amended by striking out “unlawfully completes the written declaration required under” and substituting “provides false information for the purpose of qualifying for a Micro-Business Licence fee in accordance with”.

Minutes approved by: \_\_\_\_\_

- add the following after section 40 “40.2 The following is added after section 9.1: “9.1.1 Notwithstanding section 9.1, any person operating a Tourist Home for short-term rental in an area not permitted by the Land Use Bylaw is in contravention of this bylaw and is guilty of an offence and is liable for the following penalties: first offence within a calendar year \$2,500, second offence \$5,000, and \$10,000 for third or subsequent offences.”

**CARRIED UNANIMOUSLY**

**H. NEW BUSINESS – none**

**I. REPORTS FROM ADMINISTRATION – none**

**J. NOTICES OF MOTION – none**

**K. CLOSED SESSION – none**

**L. ADJOURNMENT**

217-2024

Moved by Mayor Krausert that Council adjourn the October 15, 2024 special meeting at 3:42 p.m.

**CARRIED UNANIMOUSLY**

---

Sean Krausert  
Mayor

---

Ben Stiver  
Municipal Clerk

Minutes approved by: \_\_\_\_\_



# Request for Decision

**DATE OF MEETING:** November 5, 2024 **Agenda #: E 1**

**TO:** Council

**SUBJECT:** Town of Canmore Municipal Development Plan Amendment 2024-07 – Discouraging Employee Housing in Industrial Areas and Revised Land Use Bylaw Amendment 2024-08 – Removal of Employee Housing from Industrial Districts.

**SUBMITTED BY:** Harry Shnider, Manager, Planning and Development  
Nathan Grivell, Senior Development Planner

**RECOMMENDATION:** That Council give second reading to the Town of Canmore Municipal Development Plan Amendment 2024-07 – Discouraging Employee Housing in Industrial Areas.

That Council give third reading to the Town of Canmore Municipal Development Plan Amendment 2024-07 – Discouraging Employee Housing in Industrial Areas.

That Council give second reading to the amended Revised Land Use Bylaw Amendment 2024-08 – Removal of Employee Housing from Industrial Districts.

That Council amend Revised Land Use Bylaw Amendment 2024-08 by adding the following section after section 20 and renumbering subsequent sections accordingly: “21 Section 5.4.6.6 is repealed.”

That Council give third reading to Revised Land Use Bylaw Amendment 2024-08 – Removal of Employee Housing from Industrial Districts.

## EXECUTIVE SUMMARY

Town of Canmore Municipal Development Plan Amendment 2024-07 and Revised Land Use Bylaw Amendment 2024-08 both received first reading on July 2, 2024 and were the subject of a public hearing on September 3, 2024. Due to an influx of late public submissions, it was moved by Council to postpone the second and third readings to the November 5, 2024 regular meeting of Council.

Please refer to Attachments 1 and 2 for the Record of Public Submissions, Record of Decision and subsequent attachments which was presented during the first reading of this bylaw.

In accordance with council motion 200-2023, administration has prepared amendments to the Town’s Municipal Development Plan (MDP) and Land Use Bylaw (LUB) that will discourage Employee Housing. The land use is proposed to be removed from Section 5.2 – Light Industrial District (IND1) and Section 5.3





**TOWN OF CANMORE  
RECORD OF WRITTEN SUBMISSIONS  
Public Hearing**

Council Chamber at the Canmore Civic Centre, 902 – 7 Avenue  
Tuesday, September 3, 2024 at 9:00 a.m.

This document contains the written submissions received in response to the notice of public hearing for the following bylaw:

**Town of Canmore Municipal Development Plan Amendment Bylaw 2024-07  
– Discouraging Employee Housing in Industrial Areas  
and**

**Revised Land Use Bylaw Amendment 2024-08  
– Removal of Employee Housing from Industrial Districts**

Submissions are sorted in alphabetical order. If you are viewing the electronic version, please use the bookmarks feature to scroll through the document.

This record of written submissions was compiled by Ben Stiver, Municipal Clerk, on September 3, 2024.

Record of Public Submissions  
Submitted September 3, 2024

**From:** [Steve Ashton](#)  
**To:** [Shared.MunicipalClerk](#)  
**Subject:** Bylaws 2024-07 and 2024-08 - Removal of employee housing from IND2  
**Date:** August 30, 2024 8:45:38 AM  
**Attachments:** [Outlook-5lnkumze.png](#)

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Council and Mayor,

I am writing to you today to express my concern for these above mentioned bylaws and to offer some history and expertise on this that I have gained over the last few years while working on getting some employee housing developments approved and built in Bow Meadows Cres. The employee housing projects that we have worked on and built are located at [REDACTED]

I am the president and CEO of Ashton Construction. Ashton Construction is the largest local construction management firm in the bow valley and we employ over 30 full time staff and also indirectly employ over 600 local trade, supplier, engineering, design, etc. employees through our hiring of subcontractors and the carrying out of our work. We also build and support local small businesses in the retail, F&B, office, medicare, commercial, industrial sectors of Canmore and understand their needs as they strive to grow, remain feasible and remain viable.

I am also a director of BOWDA, an active member of the chamber of commerce and past chair of CCH.

My wife and I also own multiple properties in Bow Meadows Cres. Although none of them have employee housing on the 2<sup>nd</sup> floor and they are all either used as office, storage and in one case a gym, I believe that employee housing or dwelling units is a viable and good use for 2<sup>nd</sup> floor in industrial areas where the hazard is low and the use on main floor is clean, light industrial such as the case in Bow Meadows Cres.

I have walked the neighborhood and talked to my neighbours about this issue and the majority of them agree that employee housing when built correctly and built to code and on 2<sup>nd</sup> floor is a good solution to help them with staffing shortages, housing employees and most businesses and property owners agree that they have staff that would love the opportunity to live in this type of housing. During the SDAB hearing for 127 Bow Meadows (Canglass), I provided over 10 letters from neighboring businesses all in support of the employee housing units that Kris was building because they were subsidiary to his business, they didnt take away from main floor industrial and they were contained within his property and addressed all of the required life safety ,

Below are the points that I would like to bring up;

1. CCH has a current wait list of 264 on the home ownership and 189 on the rental. Thats

453 individuals or families looking for a place to live. Recent studies that the town of Canmore has had completed indicate there is a shortfall of 1000 affordable housing units in Canmore. Why are we removing a viable source of housing from a district. In the past 2 years, over 40 housing unit's have been added to industrial areas in Canmore and we have heard from people living in these units at a public town hall that they are very appreciative of these units. In one case, a business in Canmore that was able to build employee housing units for its staff is able to be more sustainable. Do we not care about promoting small business in this community and addressing our housing crisis. I understand this is not the entire solution but adding 40 units is still helping to solve the problem.

2. The Town of Canmore MDP indicates that we should promote a variety of housing and promote industry provided housing. It's important to note that industry provided housing is not subsidized by tax payers or funded by government programs or grants or done with free lands provided by tax payers. It doesn't cost the town of Canmore anything and it allows industry or the market place to solve its own problems. This also limits travel of employees from outside Canmore, reduces vehicles on the highway, promotes the use of local transit, and keeps people in our community. This also allows businesses that are important to Canmore stay viable. There are many other points that can be made here but a good example is the Rocky Mountain bagel company that is just looking at cost effective ways to build or own more staff accom and the Elk meadows development is a good option for them. They will expand their bakery on the main floor and build housing for staff on the 2nd floor.
3. The Indian Flats ASP clarifies that the intent of bow meadows was always clean, light industrial. Light industrial is compatible with residential and can be adjacent to it as per the Alberta building code.
4. As per the Indian Flats ASP, the area east of Elk Run including bow meadows cres should be IND1 and allow dwelling units.
5. If the town wants to make large changes to bow meadows that differ from the current ASP, they should embark on revising or updating the current ASP first and get public engagement. My concern is that by classifying Bow Meadows as IND2, you are classifying it similarly to Boulder Cres which is for high hazard and being that Bow Meadows already has employee housing and all uses are light industrial, IND1 makes alot more sense for Bow Meadows Cres.
6. There have been many improvements made over the years to add sidewalks and pedestrian connectivity such as the new sidewalks that Elk Meadows will be putting in as well as 121 Bow Meadows is doing as part of the approval process of the projects.
7. The approved and discretionary uses in IND1, TID and SB should be limited to F1 and F2 lower hazard industrial uses rather than this undefined term of "light industrial" as the definitions of all the uses under F1 and F2 in the Alberta building code are much more concise and understandable. F1 and F2 occupancies are also compatible with residential. All of the occupancies currently in bow meadows cres are either F1 or F2.
8. IND2 which should be contained to west of elk run should be the place for F1, F2, but also F3 and F4 uses which are high hazard industrial occupancies where you are not

allowed to have residential adjacent as or the Alberta building code. This is where distilleries, welding shops, etc. which are already located in this area belong.

9. In regards to the dwelling units; the max GFA should be increased to 49% in my opinion so that the entirety of the 2<sup>nd</sup> floor in a unit can be used as a dwelling. The stc max rating should also be removed and should just follow the requirements of the Alberta building code or typical industry standard stc ratings as the stc rating they have listed is excessive and not possible. The STC rating that is listed is quieter than a dishwasher and is not possible to achieve. The building code spells out what is required for STC ratings between residential and industrial or commercial and that is what should be followed rather than something that is impossible to achieve. The dwelling unit should be subservient to the business in the same unit. The dwelling unit should only be on 2nd floor to ensure main floor is preserved for industrial or commercial. The dwelling units should not have max sizes and that should be removed.
10. We need to ensure that all existing approved employee housing units are grandfathered and considered compliant if this bylaw passes to preserve the housing forever and protect the property owners rather than them be legal non-conforming.

In summary, my main points here are to make sure we include Bow Meadows Cres in the IND1 district just like the Elk Meadows development has been included in that district. Bow Meadows Cres already has approved residential housing on the street and there are no high hazard industrial uses in Bow Meadows currently. Even RMSC (which I have built) and Wildlife (which I have built) are all lower hazard industrial (F2) which is compatible with residential, the place for higher hazard is west of Elk Run on Boulder cres which I agree should be zoned as IND2 with no residential. I also agree with the changes to TID, SB and IND1 but think the definitions of dwelling unit and specific parameters should be honed in to make the neighborhoods even better than they already are.

Thank you for taking the time to read my email.

Have a nice long weekend!

Sincerely,

Ashton Construction Services Inc.

Steve Ashton, C.E.T., LEED AP, N.C.S.O.

President & CEO

Office: 403-688-3500

\*\*I check email twice daily at 9 a.m. and 4 p.m. MST. If your matter is urgent, please call or text me.





# **ASHTON CONSTRUCTION SERVICES**

[www.ashtonconstruction.ca](http://www.ashtonconstruction.ca)

Confidentiality Caution – This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged and confidential. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and or return e-mail and delete the material from any and all computers that it may reside.

Record of Public Submissions  
Submitted September 3, 2024

**From:** [Cam Baty](#)  
**To:** [Shared.MunicipalClerk](#)  
**Subject:** Bow meadows crescent changes to bylaw  
**Date:** August 30, 2024 10:18:15 AM

**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Dear Council and Mayor,

I am writing you in relation to the proposed change of use within bow meadows crescent for second floor housing.

We employ roughly 100 people in Canmore (mostly in Bow Meadows Crescent) and own the properties at [REDACTED] and 7 of 8 bays at [REDACTED]. We are also a 1/3 owner of the project at [REDACTED] in addition to being the purchaser of 6 bays for further Rocky Mountain use within the [REDACTED] project.

I know that mixing housing and industrial is a tricky issue. As a future owner of industrial space below residential, I am not without concern for future potential issues between residential and industrial uses. Having said that, housing is the #1 issue in the valley in my opinion and worth leaving on the table as a future solution within Bow Meadows Crescent. Our building at [REDACTED] is suitable for a second floor in the future. We have always held off on building a second floor in order to ensure we use the space for the best use possible in the future. To date, we've been able to recruit team members without providing employee housing and hope to continue doing so by providing a good work environment and wages that can allow people to find accommodations. We also try and avoid non permanent resident / seasonal team members that need housing. Our goal is to continue to solve our needs in that way but that may not always be possible. As both a land owner and a business owner in Bow Meadows, I believe it is important to have the option to have staff housing in the area. Although we hope to avoid it, we may need to put staff housing on top of [REDACTED] [REDACTED] in the future to enable us to continue to grow and maintain our operations in Canmore. I would hate to see that not being an option and having to move our operations elsewhere if this became a big issue.

I understand that housing in industrial areas isn't an ideal solution, but it may be a necessary and important one. Where would the people currently living in Bow Meadows Crescent live if they didn't have those accommodations?

My hope is that you continue to allow employee housing as an option in Bow Meadows Crescent.

Feel free to reach out if you have any questions.

Sincerely,

Cam Baty  
Co-Owner  
Rocky Mountain Soap Company



**Rocky Mountain Soap Co.** | [rockymountainsoap.com](http://rockymountainsoap.com)  
SIMPLE, NATURAL INGREDIENTS.

NOTE: I batch process my emails weekly so it may take several days to get back to you. If it's urgent, please call my cell or put URGENT in the subject header. Thank you for your patience.

Record of Public Submissions  
Submitted September 3, 2024

**From:** [Shawn Biggings](#)  
**To:** [Sean Krausert](#); [Planning](#); [Harry Shnider](#); [Nathan Grivell](#); [Joanna McCallum](#); [Karen Marra](#); [Shared.MunicipalClerk](#); [Tanya Foubert](#); [Jeffrey Hilstad](#); [Wade Graham](#); [Jeff Mah](#)  
**Subject:** Re: Employee Housing/ Dwelling uses above industrial uses  
**Date:** September 2, 2024 3:16:44 PM  
**Attachments:** [IND 1 VS IND 2 USES.docx](#)

You don't often get email from [REDACTED] [Learn why this is important](#)

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

[REDACTED]

[REDACTED]

On Mon, Sep 2, 2024 at 2:43 PM Shawn Biggings [REDACTED] wrote:

Hello Mayor, council and planners,

We are long term residents and own Businesses in Canmore, Commercial Real Estate Services and Teepetown Textures. We feel strongly that the Employee Housing use remain in the LUB as a Discretionary Use in all industrial areas in Canmore., and concur with the BOWDA submission

Employee retention has been a major issue for most businesses in the Bow Valley for many years. There is a severe shortage of housing and even less affordable options. The elimination of the designation will surely result in many displaced employees and in turn businesses in the industrial area will lose staff. Most industrial uses are very compatible with housing on the second floor.

We support the preservation of industrial uses as they are essential to a viable community, but firmly believe that many industrial activities and employee housing can coexist in one building. Most permitted and discretionary uses are compatible with office and dwelling use.

BOWDA has noted that there does not seem to be clear criteria for determining why residential uses are appropriate in some industrial districts and not others. When examining the nature of the TID district and the SB district it becomes apparent that they are very close in nature to the IND 1 and Ind2 areas.

Within this same area, there also seems to be a lack of alignment of how land use districts are designated on the ground. There is no clear distinction between IND1 and IND2 except for two uses, as noted in the attached comparison. Before eliminating employee housing or dwelling units, a review of uses in out five

industrial areas may be helpful.

We support BOWDA's recommendation that the policy amendments are not applied specifically on a geography basis, but that they pertain to how land use designations are applied on the ground. Geographic specific recommendations would require further amendment of land use changes, in alignment with what BOWDA requests be completed.

BOWDA is concerned that with the land use district changes, existing employee housing and residential uses will no longer be considered an approved and conforming use under the MGA. With the elimination of the Employee Housing use from the district and the addition of rules that may not apply to previously approved developments, certain developments may no longer be rebuilt under the new rules of the Bylaw. As a result, destruction of more than 80% of any building that contains that use would mean that the use would not be allowed to be rebuilt as it was constructed. In the case of fire or other issue where the building experienced damage, there would be a loss of housing within the community and economic implications to the building owner. We would request that Council add a use to the district called "Uses approved prior to date" (similar to other districts in the Land Use Bylaw) as a Discretionary Use. This would rectify concerns with approved non-conforming buildings.

If Dwelling Units are allowed on the second storey, it is reasonable that the residential use does not exceed the floor area of the primary use . It is unrealistic to permit only 30% of the floor area . It is also reasonable to tie a permitted upper dwelling unit to the permitted use below, rather than permitting separate ownership, to avoid future conflict of uses.

Respectfully submitted for your consideration,

**Shawn Biggings and Russ Bignold**

[REDACTED]

**IND 1 LIGHT INDUSTRIAL DISTRICT**

The purpose of this district is to provide for a limited range of industrial uses which are located adjacent to arterial roads or residential areas and have a high standard of architectural appearance.

Non-industrial uses are appropriate only in the limited circumstances and locations where such uses do not displace industrial uses or utilize land or buildings with potential for light industrial development.

**5.2.1 Permitted Uses**

Accessory Building  
Arts and Craft Studio [2020-16]  
Brewery/Distillery  
Contractor Service and Repair  
Industrial Operation\* (IND 1 only)  
Laboratory

Laundry Facility, Industrial  
Light Manufacturing  
Open Space----(*discretionary in ind2*)  
Public Building

**5.2.2 Discretionary Uses**

Administrative/Sales Office  
Agriculture, Intensive  
Athletic and Recreation Facility, Indoor  
Automotive and Equipment Repair  
Automotive Sales and Rentals  
Car Wash  
Eating and Drinking Establishment  
Educational Institution  
Employee Housing (above the ground floor)  
Industrial Sale and Rental  
Kennel  
Logging Operation  
Lumber Yard-(*permitted in ind2*)  
Office (above ground floor GFA up to 250m2)  
Outdoor Storage  
Pet Care Facility  
Printing Establishment  
Recycling Depot  
Retail Sales  
Storage Facility  
Transportation Terminal  
Trucking Establishment  
Warehouse-(permitted in 2)  
Wholesale Sales\* IND 1 only\*

**IND 2 GENERAL INDUSTRIAL DISTRICT**

The purpose of this District is to provide for a range of industrial uses which allow for intensive & efficient use of Canmore's industrial land base in accordance with policies in the Municipal Development Plan.

Non-industrial uses are appropriate only in the limited circumstances & locations where such uses do not displace current industrial uses or utilize land or buildings with potential for general industrial development.

**5.3.1 Permitted Uses**

Accessory Building  
Arts and Craft Studio [2020-16]  
Brewery/Distillery  
Contractor Service and Repair  
Laboratory

Laundry Facility, Industrial  
Light Manufacturing  
Lumber Yard --(*discretionary in ind1*)  
Public Building  
Warehouse -(*discretionary in ind1*)

**5.3.2 Discretionary Uses**

Administrative/Sales Office  
Agriculture, Intensive  
Athletic and Recreational Facility, Indoor  
Automotive and Equipment Repair  
Automotive Sales and Rentals  
**Bulk Fuel Station\* IND 2 only**  
Car Wash  
**Crematorium\* IND2 only**  
Eating and Drinking Establishment  
Educational Institution  
Employee Housing  
Industrial Sales and Rentals  
Kennel  
Logging Operation  
Office (above ground floor)  
Open Space--(*Permitted in 1*)  
Outdoor Storage  
Pet Care Facility  
Printing Establishment  
Recycling Depot  
Retail Sales  
Storage Facility  
Transportation Terminal  
Trucking Establishment

**5.3.4 Restrictions on Non-Industrial Uses and Developments 5.3.4.1** In order to ensure that this District meets its purpose as a general industrial area, non-industrial uses will only be approved where such uses do not displace current industrial uses nor utilize land or buildings with potential development for general industrial purposes.

**5.3.5.4** An Office development shall only be located above the ground floor of a building and shall be located east of Elk Run Boulevard only.

## DEFINITIONS OF PERMITTED AND DISCRETIONARY USES IN IND 2

**Accessory Building** means a building which is subordinate or incidental to the principal building on a site that is not a Dwelling Unit. It must be located on the same site as the principal use and shall not precede the development of the principal building.

**Arts and Crafts Studio** means development used for the purpose of small scale, on-site, production of goods by hand manufacturing primarily involving the use of hand tools. Typical uses include pottery, ceramic, jewelry, toy manufacturing, and sculpture and artist studios.

**Administrative/Sales Office** means a temporary use which is incidental to the subdivision or development of a parcel of land which has received or is under consideration of subdivision, land use or development permit approval.

**Agriculture, Intensive** means a place that employs a concentrated method used to raise crops or to rear or keep livestock, or their products for market, including such operations as horse riding stables, poultry farms, pastures, rabbitries, fur farms, greenhouses, animal sanctuaries, tree farms, sod farms, nurseries and similar specialty uses conducted as the principal use of a building or site.

**Athletic and Recreational Facility, Indoor** means a facility for the purpose of indoor active recreation or athletic activities where patrons are predominantly participants, and any spectators are incidental. This includes but is not limited to gyms, athletic studios, skating and hockey rinks, swimming pools, rifle, archery and pistol ranges, bowling alleys and racquet courts.

**Automotive and Equipment Repair** means a facility for the servicing and/or repair of motor vehicles, motorcycles, snowmobiles, or similar vehicles and includes the sale, installation and servicing of related accessories and parts. [2020-16]

**Automotive Sales and Rentals** means a facility for the retail sale or rental of new or used automobiles and recreational vehicles together with incidental maintenance services and sale of parts. This includes automobile dealerships and car rental agencies.

**Bulk Fuel Station** means a facility for the purpose of storing fuel for distribution to customers and does not include a service station.

**Brewery/Distillery** means a facility licensed by the Alberta Gaming and Liquor Commission where beer, spirits and other alcoholic beverages are manufactured and may include the retail sale of products made on the premises for consumption off the premises. A Brewery/Distillery may include an area where products made on the premises are sold or provided to the public for consumption on the premises but are not considered an Eating and Drinking Establishment.

**Car Wash** means a facility for the washing, cleaning, or polishing of motor vehicles.

**Contractor Service and Repair** means a facility for the provision of contractor services primarily to individual households and the accessory sale of goods normally associated with such contractor services where all materials are kept within an enclosed building, and where there are no associated primary manufacturing activities.

**Crematorium** means an establishment with one or more cremation chambers used for the reduction of the human body by heat.

**Eating and Drinking Establishment** means a facility where food is prepared and served on the premises for sale to the general public and includes restaurants, delicatessens, and cafeterias but excludes Drive-in/Drive-through Food Services. This facility may be licensed by the Alberta Gaming and Liquor Commission such that alcoholic beverages may be served to the general public for consumption on the premises

**Educational Institution** means a place of instruction operated with public or private funds. Can be a private, public, separate, commercial, or post secondary school.

**Employee Housing** means one or more Dwelling Units used exclusively for the residence of employees and members of their family. **Employee** means a person who is primarily employed by an employer within the municipal boundaries of the Town of Canmore. For the purpose of this definition, a person is primarily employed if that person is performing, or is reasonably expected to perform, the services of an employee for an employer, for a minimum of an average of twenty (20) hours per week. The employee shall not be the same person as the employer. This provision may be varied at the discretion of the Development Authority where a proposed development meets the purpose of the applicable land use district and/or meets the intent of the Town's employee housing policies (e.g., in a building designed for a Live/Work Studio where a person is self-employed and living adjacent to their place of employment). In addition to the above, those individuals who can provide written proof (through such means as lease or rental agreements) of continuous residency within the Town of Canmore for a minimum of twenty-four (24) continuous months and who are primarily employed by an employer within the boundaries of the M.D. of Bighorn west of and including the hamlet of Seebe, or within the Town of Banff or Banff National Park, shall be considered an "employee" for the purposes of this Bylaw and shall be eligible to occupy a unit in an approved employee housing project.

**Industrial Operation** means a business engaged in secondary manufacturing, processing, assembling, disassembling, packaging, cleaning, servicing, testing, storing and distribution of materials, goods, products, or equipment.

**Industrial Sales and Rental** means a facility for the sale or rental of equipment typically used in building, roadway, pipeline, oilfield and mining construction or agricultural production. This includes development used for the sale or rental of new or used heavy trucks, motorhomes, and manufactured homes, together with incidental maintenance services and the sale of parts and accessories. Typical uses include heavy truck dealerships, recreation vehicle sales and manufactured home dealerships.

**Kennel** means a facility where dogs or cats or other domestic pets may be maintained, boarded, bred, trained, or cared for or kept for the purposes of sale but excludes a Veterinary Clinic

**Laboratory** means a facility for the purpose of scientific or technical research, investigations or experimentation

**Laundry Facility, Industrial** means a non-retail laundry facility serving business establishments, usually on a contract basis.



**Light Manufacturing** means a business engaged in secondary manufacturing which involves no Outdoor Storage, and which causes no environmental disturbances such as the creation of smoke, noise, dust or odors. [2020-16]

**Logging or Logging Operation** means the cutting of trees where the total area subject to cutting is greater than 500 m<sup>2</sup> or where the merchantable timber being cut on the parcel contains over 25 m<sup>3</sup> of gross wood volume.

**Lumber Yard** means a facility where bulk supplies of lumber and other building materials are stored, offered, or kept for retail sale and includes storage on or about the premises of such material but does not include retail sales of furniture, appliances or other goods not ordinarily used in building construction.

**Office** means a facility primarily for the provision of professional, management, administrative or consulting services.

**Open Space** means land designated or reserved for active or passive recreational use by the general public, or to be left in a natural state, and includes all natural and man-made landscaping, facilities, playing fields, gardens, buildings and other structures that are consistent with the general purpose of parks and open space. Uses may include tot lots, picnic grounds, pedestrian pathways and trails, landscaped buffers, and playgrounds.

**Outdoor Storage** means the storing, stockpiling, or accumulating of goods, equipment or material in an area that is open or exposed to the natural elements, and includes vehicles, automobiles, recreational vehicles and boats, waste materials, debris, or garbage

**Pet Care Facility** means a facility for the cleaning, grooming and care of domestic pets where no overnight kenneling or keeping of any animals occurs.

**Printing Establishment** means a retail business providing photocopying and/or commercial offset printing and retail services, or a facility providing non-retail commercial, industrial printing and publishing services normally using automated, web-type presses or full colour process printing.

**Public Building** means a facility owned or operated by or for the Municipality, the Provincial Government, the Federal Government, or a corporation which is an agent of the Crown under federal or provincial statute for the purpose of furnishing services or commodities to or for the use of the inhabitants of the municipality

**Recycling Depot** means an indoor facility for the buying and/or temporary storage of household items for reuse where all storage is contained within an enclosed building.

**Retail Sales** means the use of a building in which the primary function is for the sale of finished goods or products to customers, and also includes rental services.

**Storage Facility** means a building or group of buildings used for internal storage of materials and goods that are not considered hazardous or toxic.

**Transportation Terminal** means a facility utilizing a building, structure, land, or any or all of them for the processing and loading and unloading of passengers and baggage to and from buses, vans, trains, or similar conveyances available for use by the general public.

**Trucking establishment** means a facility for the purpose of storing and dispatching trucks and tractor trailers for transporting goods.

**Warehouse** means a building for the storage of materials or commercial goods.

**Wholesale Sales** means a facility for the wholesale or retail sale of a limited range of bulky goods.

Record of Public Submissions  
Submitted September 3, 2024

Sept 03,2024

## Public Hearing Submission

Bylaw 2024-07 & Bylaw 2024-08

### In Opposition

Bylaw 2024-08:

I will break down my comments per Land Use district.

#### Transitional Industrial District (TID):

Amendments 4- 7

- “Employee Housing” (above ground) should remain in place throughout the TID District.
- Defining residential uses as “Dwelling Units” places any future units in this area in the “open market”, which means that they can, and will likely be, sold as second homes. Section 5.1.5.1 (a.) in the current bylaw requires that units demonstrate that “Adequate long-term and legally-binding provisions are in place to ensure the dwelling units remain as bona fide Employee Housing”. With this removed future “Dwelling Units” in this area will be utilized the same a dwelling unit in any other land use district and placed on the open market, with no consideration for the benefits to the business community or the community at large that “Employee Housing” currently does.
- Section 5.1.5.1 in the proposed bylaw limits the unit size to a very modest level. While the intent is that limiting unit size will result in a more “affordable” price, that is not always the case as we have witnessed in the past. ie: Grotto Mountain and Riverstone.
- It is only by restricting the use of the units to “Employee Housing”, that we can have a degree of certainty the there will be business and community net benefit.

#### Light Industrial District (IND1) & General Industrial District 2 (IND2)

- In most cases my comments apply to both land use districts. However, there was historically a difference in the Industrial areas, which, in the context of these amendments seems to have some relevance.
  - When the Elk Run Industrial Park was created the lands on Boulder Crescent (ie. Bremner Engineering , Waste Transfer Station) were envisioned to be “heavy industrial”. More intensive industrial uses would be in this district, thus the businesses that we see located there today, for the most part. I would suggest that “Employee Housing” in this area was never appropriate and should not have been considered even as a “Discretionary Use”.

- The industrial lots on Elk Run Boulevard were considered unique because of their high visibility and required a higher degree of architecture and some restrictions on the types of industrial uses. The lots facing Elk Run Boulevard are ideally situated for “Employee Housing” and it would be appropriate to leave it as a “Discretionary Use”.
- The lots on Bow Meadows Crescent were also considered light industrial and developments had to take into account being adjacent to “Indian Flats” and could not have uses ( smells, noise etc) that could disturb wildlife in the environmentally sensitive area. Bow Meadows Crescent, because of the type of development and use, is well situated to accommodate “Employee Housing” as a “Discretionary Use”.
- It would be my recommendation that IND2 be re-established on the industrial lands fronting Boulder Crescent and Glacier Drive and that “Employee Housing” be removed as a Discretionary Use. The other current uses could remain.
- I would suggest that the current IND1 and IND2 (Bow Meadows Crescent) be amalgamated into a new IND1 district, with consideration for the visibility of the IND1 area and the environmentally sensitive nature of the east portion of Bow Meadows Crescent. I would recommend that “Employee Housing” be included as a “Discretionary Use” in the new district.
- I would also recommend that 5.4.6.1 (Employee Housing) be incorporated into the Employee Housing sections of the Industrial areas as this makes the intent of employee housing clear.

#### Southern Business District SB

- I would recommend that “Employee Housing” remain as a Discretionary Use in the SB district.
- Defining residential uses as “Dwelling Units” places any future units in this area in the “open market”, which means that they can, and will likely be, sold as second homes. “Dwelling Units” in this area will be utilized the same a dwelling unit in any other land use district and placed on the open market, with no consideration for the benefits to the business community or the community at large that “Employee Housing” currently considers.
- Section 5.1.5.1 (a.) requires that units demonstrate that “Adequate long-term and legally-binding provisions are in place to ensure the dwelling units remain as bona fide Employee Housing”. This section should be added to the “Employee Housing Provisions” (5.4.6) of the current bylaw.
- Section 5.1.5.1 in the proposed bylaw limits the unit size to a very modest level. While the intent is that limiting unit size will result in a more “affordable” price that is

not always the case, as we have witnessed in the past. I.e: Grotto Mountain and Riverstone.

- It is only by restricting the use of the units to “Employee Housing”, that we can have a degree of certainty there will be business and community net benefit.

### In Opposition

#### Bylaw 2024-07

- I am in opposition to any amendments to the MDP that would bring into question “Employee Housing” as being a potential use in Industrial Districts.
- In fact, if MDP amendments were to come forward they should encourage innovative ways for business owners, in industrial districts, to provide employee housing.
- I am totally opposed to granting TSMV an exemption to the LUB and MDP amendments being proposed. I recognize that TSMV would threaten the Town with legal action (once again) if they felt the Town was trying to dictate land use to them, however, if it makes sense for TSMV to have an exemption, then it makes no sense to impose these changes on our current landowners.

If we are in a housing crisis then we need to consider every option available to increase our supply of affordable housing. There is no magic bullet here. No one solution is going to rectify our housing situation, however, there needs to be a continuum of housing solutions available to the community. The Federal, Provincial and Municipal governments all have a role to play but the private sector can be reactive, flexible and innovative. These amendments do nothing but inhibit the industrial sector from participating in any meaningful solutions.

If there is any one threat to the health of industrial growth in Canmore it is labour and, as we are more than aware, housing is the deciding factor in attracting long-term, permanent employees. As it stands, an increasing number of employees are travelling to Canmore daily. It seems inappropriate for us, as a community, to pass our housing shortfalls off on to other communities which are themselves facing housing crises of their own. Especially when we have not exhausted every opportunity to deal with our own employees. We need to also consider the environmental impacts of moving large numbers of our employees to and from Canmore.

I am sure the amendments to the LUB and MDP were well intentioned, but I can't help but feel they are pushing us backwards, away from a viable and achievable solution to at least a portion of our housing crisis.

Thank you for your consideration,

Ron Casey



September 2, 2024

Mayor Sean Krausert and Members of Council,

**RE: BOWDA Position & Recommendations Bylaws 2024-07 & 2024-08**

Thank you for the opportunity for Basecamp Resorts to share feedback on proposed bylaws 2024-07 and 2024-08.

One of Basecamp's most challenging business matters is to ensure it can provide appropriate **Housing affordability to house and retain employees**. This is not a unique challenge to Basecamp as we often hear from other business owners, trades and contractors of their challenges to attract and retain talent in the Bow Valley. As such we encourage council to support initiatives which specifically designed to allow affordable housing alternatives.

We would also like to point out that for a number of years we have successfully accommodated our head office, staff housing, laundry facilities and workshop within our building in Moose Meadows. We are proud of our existing staff accommodation and would encourage touring them if you have not already. In our opinion this is an excellent example of a building which supports findings within the 'Light Industrial and Commercial Land Review Report' (April 2023), while also supporting the provision for desperately needed employee housing within the Bow Valley. Despite having this property, we, like business owners, continue to require additional housing opportunities.

Basecamp remains consistent in its support of housing on the second floor of industrial uses and we are pleased to see that Administration is recommending residential uses. Our only suggestion is to not distinguish and restrict housing uses between industrial districts as they are very close in nature and the Alberta Building Code provides the appropriate guidance to regulate when housing is to be restricted.

Basecamp also agrees with BOWDA's concern that with the land use district changes means that existing employee housing and residential uses will no longer be considered an approved and conforming use under the MGA. With the elimination of the Employee Housing use from the district and the addition of rules that may not apply to previously approved developments, certain development may no longer be rebuilt under the new rules of the Bylaw. As a result, destruction of more than 80% of any building that contains that use would mean that the use would not be allowed to be rebuilt as it was constructed. In the case of fire or other issue where the building experienced damage, there would be a loss of housing within the community and economic implications to the building owner. We would request that Council add a use to the district called "Uses approved prior to date" (similar to other districts in the Land Use Bylaw) as a Discretionary Use. This would rectify the concern with approved non-conforming buildings.

With regards to specific Land Use District comments we have two:

- 1) dBA Noise/ Sound the Town of Canmore will not be able to regulate dBA Noise / Sound that is emitted and opens itself to future conflict. Noise is a regulate item under the Alberta Building Code (ABC). Noise levels within the structure of buildings are identified within the ABC. The Town trying to further control neighbours noise levels is not practical or feasible and the proposed 35-40 dBA range is unrealistic. We strongly suggest that the Land Use District regulations pertaining to sound and noise be removed from the list of amendments as it is already governed under the ABC.
- 2) If Dwelling Units are allowed on the second storey, we would recommend that the residential use does not exceed the floor area of the primary (industrial) use. This is a practical issue, if only 30% of floor area of the first floor could be built as residential it would add considerable cost to the building making it unfeasible. This regulation as written would effectively ensure that residential uses are not built. Allowing Dwelling Units to occupy the second storey provided it is equal to or less than the GFA of the primary uses allows flexibility while keeping in line with the intent of the district.

Sincerely,

Birol Fisekci

President of Real Estate  
Basecamp Resorts

Record of Public Submissions  
Submitted September 3, 2024

**From:** [Redacted]  
**Subject:** FW: Housing in Industrial Areas  
**Date:** September 9, 2024 10:20:37 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)

On Aug 25, 2024, at 5:21 PM, Peter Graul <[Redacted]> wrote:

Some peop [Redacted] often get  
email from [Redacted]. [Learn why  
this is important](#)

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Council,

I very much vouch to allow housing in industrial areas. We have a tremendous housing shortage and, in my opinion, there is now reason to not allow it. Of course, it will require bylaws and regulations to stay on top and pressure will have to be put on landlords so that those areas are not getting out of control.

Living quarters, apartments, housing has always been part of industrial buildings all over Germany (and likely many other European countries I cannot speak for) and is natural.

Best regards,  
Peter Graul



P: [Redacted]  
Mailing address: [Redacted]  
[Redacted]

[www.europeantimberframing.com](http://www.europeantimberframing.com)  
[www.enerficientwalls.ca](http://www.enerficientwalls.ca)

Follow us:





**From:** [president@bowvalleychamber.com](mailto:president@bowvalleychamber.com)  
**To:** Council; [Shared.MunicipalClerk](#)  
**Cc:** [REDACTED]  
**Date:** Employee Housing above Industrial - Bow Valley Chamber of Commerce  
August 30, 2024 12:54:53 PM

**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Town Council,

I hope this message finds you well. On behalf of the Bow Valley Chamber of Commerce, I would like to share our perspective on the ongoing challenges and opportunities related to employee housing in the Bow Valley. This issue is of significant importance to our members, and we appreciate the Town of Canmore's efforts to address it especially as it relates to the topic of Employee Housing about Industrial Use.

We know that housing in the Bow Valley is a complex issue requiring unique solutions and innovative ideas to ensure affordable housing options for employees, residents, and tourists. As the region continues to grow and attract both seasonal and long-term visitors, it is crucial to address the diverse needs of our community with sustainable and inclusive strategies. The Bow Valley Chamber of Commerce is committed to collaborating with local businesses, government, and stakeholders to develop and implement effective housing solutions that will support the economic vitality and quality of life for all who live, work, and visit our beautiful region.

Our members consistently highlight employee housing as one of the most pressing concerns for businesses in our community. The lack of affordable and accessible housing options directly impacts the ability to attract and retain talent, which in turn affects the overall economic health of our region. Many businesses, particularly in the hospitality and retail sectors, struggle to fill positions due to the housing shortage, which hampers their ability to operate at full capacity.

The Chamber has gathered feedback from our members, and several key themes have emerged:

1. **Affordable Housing Solutions:** There is a strong demand for housing solutions that cater to the needs of low to moderate-income earners, particularly those in service-oriented jobs. This includes not only rental units but also affordable ownership options that allow employees to establish roots in the community.
2. **Proximity to Work:** Employees benefit significantly from housing that is within close proximity to their place of work. Reducing commuting times not only enhances work-life balance but also alleviates traffic congestion and contributes to environmental sustainability.

3. **Diverse Housing Options:** Our members emphasize the need for a variety of housing types, including family-sized units, shared accommodations, and smaller, single-occupancy units. A diverse housing mix would better meet the needs of the workforce and reflect the varied demographics of our community.
4. **Collaborative Efforts:** We believe that solving the housing challenge requires continued collaboration between the Town of Canmore, local businesses, non-profit organizations, and other stakeholders. Public-private partnerships and innovative housing models, such as co-operative housing or employer-sponsored housing, could play a significant role in expanding the availability of affordable units.

The Bow Valley Chamber of Commerce is committed to working alongside the Town of Canmore to find viable solutions to this issue. We are eager to engage in further discussions and explore opportunities for collaboration that will benefit both our local businesses and the broader community.

Thank you for your attention to this matter. We look forward to your continued leadership in addressing the housing needs of the Town of Canmore.

With thanks,

Gavin Harmacy  
President  
Bow Valley Chamber of Commerce



Record of Public Submissions  
Submitted September 3, 2024

## Housing above industrial in the Bow Valley

I am writing to underscore the critical importance of offering staff accommodations as part of an employment package, particularly in the Bow Valley area, and the potential to utilize 2<sup>nd</sup> floor space, above industrial premises as a partial solution to the issue.

The high cost of living, combined with a tight rental market, makes it increasingly difficult for employees to find suitable accommodations. This challenge is not just a personal burden on our employees; it also impacts our ability to attract and retain talent. Many potential employees are deterred by the prospect of an extensive and often fruitless search for housing, while existing employees face the ongoing stress of securing stable living arrangements.

By offering staff accommodations, we can provide our employees with a sense of security and stability, which in turn enhances job satisfaction and loyalty.

From a property owner's perspective, converting or building accommodation above safe industrial premises offers several advantages, particularly in addressing the challenges of leasing second-floor spaces and contributing to the broader community by helping alleviate the current housing shortage.

Second-floor spaces in industrial properties often present leasing challenges. They are typically less attractive to businesses that prioritize ground-floor access for logistical reasons. As a result, these spaces can remain underutilized, generating less income than the more desirable main-floor spaces. By converting these second-floor areas into residential units, property owners can turn a less leasable asset into a profitable one.

This conversion not only maximizes the revenue potential of the property but also serves a critical societal need. The housing shortage in many areas has become a pressing issue, impacting both living standards and the local economy. Increasing the supply of housing helps stabilize rental prices, supports the local workforce, and enhances the overall economic vitality of the area.

Sincerely,  
Derek Johnson

Bow Valley Business and Property Owner

**From:** [shane\\_jonker](#)  
**To:** [Council](#); [Shared.MunicipalClerk](#)  
**Subject:** Industrial Zones public hearing  
**Date:** September 2, 2024 12:05:02 PM

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning Council,

It is important that Canmore preserve its ability to be industrious into the future and that we retain suitably zoned lands for that purpose. This is consistent with consultant reports, administration assessment and so far, council direction. It is possible to do so while also making it possible to include dwelling units in industrial zoning by addressing the following:

- Canmore's LUB makes reference to 'Light Industrial' many times but contains no definition of same. There should also be an improvement to the current definition of 'Light Manufacturing'

- The building code states: 3.1.3.2. *Prohibition of Occupancy Combinations*

1) *No major occupancy of Group F, Division 1 shall be contained within a building with any occupancy classified as Group A, B or C.*

2) *Not more than one suite of residential occupancy shall be contained within a building classified as a Group F, Division 2 major occupancy.*

- Dwelling units are a Group C use. The Group F Division 1 & 2 uses are below followed by LUB uses where I have highlighted incompatible uses currently permitted or discretionary. My feeling is that for planning purposes, which is what the Town and its LUB are meant to be doing, the first order of business would be to amend the LUB to create districts with uses that have building code occupancy compatible uses and prohibits uses that are not compatible in the areas that the community feels should be candidates for second floor dwelling units. This would allow for a process for the owners to accept or not accept the new limitations to the uses through the public process.

The list of uses that would be prohibited in districts that could accept second floor dwelling units would be the below list. If I was an owner in an affected district, or even an adjacent district I would be looking at this list very carefully. I have highlighted the uses list for the 3 industrial zones where prohibition or further prescription would be required to be compatible with Group A, B or C inclusion in the building. It's not just the unit owner, it's the building and district that would need to adopt the restrictions. 5.1.5.1 (at the end of the email) and the corresponding sections for Ind 1 and 2 are simply not legal within this bylaw and I would suggest that non compliance with the building code may have already occurred. To be done properly I would suggest that the districts list prohibited uses from the code because of the ambiguity of words like 'light manufacturing'. As an owner or buyer I would have grave concerns about this restrictive district so I would suggest that while uses are removed, those in Groups A, B and C that are compatible should be added to create a well balanced district. I have added them in at the end to show how many great uses could be added to a district to offset the removal.

This would be a great first step towards meeting several community needs.

Sincerely

Shane Jonker

*Group F, Division 1*

*Bulk plants for flammable liquids*

*Bulk storage warehouses for hazardous substances*

*Cereal mills*

*Chemical manufacturing or processing plants*

*Distilleries*

*Dry cleaning plants*

*Feed mills*

Flour mills  
 Grain elevators  
 Lacquer factories  
 Mattress factories  
 Paint, varnish and pyroxylin product factories  
 Rubber processing plants  
 Spray painting operations  
 Waste paper processing plants  
 Group F, Division 2  
 Aircraft hangars  
 Box factories  
 Candy plants  
 Cold storage plants  
 Dry cleaning establishments not using flammable or explosive solvents or cleaners  
 Electrical substations  
 Factories  
 Freight depots  
 Helicopter landing areas on roofs  
 Laboratories  
 Laundries, except self-service  
 Mattress factories  
 Planing mills  
 Printing plants  
 Repair garages  
 Salesrooms  
 Service stations  
 Storage rooms  
 Television studios not admitting a viewing audience  
 Warehouses  
 Wholesale rooms  
 Woodworking factories  
 Workshops

### 5.1 TID TRANSITION INDUSTRIAL DISTRICT

#### Purpose

To provide for a range of Light Manufacturing and other light industrial uses. [2021-24]

#### 5.1.1 Permitted Uses

##### Accessory Building

**Automotive Sales and Rentals**

**Contractor Service and Repair**

**Printing Establishment**

##### Public Building

##### Public Utility

##### Veterinary Clinic

#### 5.1.2 Discretionary Uses

**Administrative/Sales Office**

Arts and Craft Studio [2020-16]

Athletic and Recreational Facility, Indoor

Athletic and Recreational Facility, Outdoor

**Brewery/Distillery**

**Eating and Drinking Establishment**

Educational Institution

**Employee Housing (above the ground floor)**

**Light Manufacturing**

Logging Operation

Lumber Yard

Office (above the ground floor)

**Recycling Depot**

Retail Sales

Wholesale Sales

### IND 1 LIGHT INDUSTRIAL DISTRICT

#### 5.2.1 Permitted Uses

##### Accessory Building

Arts and Craft Studio [2020-16]

**Brewery/Distillery**

**Contractor Service and Repair**

**Industrial Operation**

**Laboratory**

**Laundry Facility, Industrial**

**Light Manufacturing**

Open Space

Public Building

## 5.2.2 Discretionary Uses

Administrative/Sales Office

Agriculture, Intensive

Athletic and Recreation Facility, Indoor

Automotive and Equipment Repair

Automotive Sales and Rentals

Car Wash

Eating and Drinking Establishment

Educational Institution

Employee Housing (above the ground floor)

Industrial Sale and Rental

Kennel

Logging Operation

Lumber Yard

Office (above the ground floor with a GFA up to 250m<sup>2</sup>)

Outdoor Storage

Pet Care Facility

Printing Establishment

Recycling Depot

Retail Sales

Storage Facility

Transportation Terminal

Trucking Establishment

Warehouse

Wholesale Sales

## 5.3.1 Permitted Uses

Accessory Building

Arts and Craft Studio [2020-16]

Brewery/Distillery

Contractor Service and Repair

Laboratory

Laundry Facility, Industrial

Light Manufacturing

Lumber Yard

Public Building

Warehouse

## 5.3.2 Discretionary Uses

Administrative/Sales Office

Agriculture, Intensive

Athletic and Recreational Facility, Indoor

Automotive and Equipment Repair

Automotive Sales and Rentals

Bulk Fuel Station

Car Wash

Crematorium

Eating and Drinking Establishment

Educational Institution

Employee Housing

Industrial Sales and Rentals

Kennel

Logging Operation

Office (above the ground floor) [2022-24]

Open Space

Outdoor Storage

Pet Care Facility

Printing Establishment

Recycling Depot

Retail Sales

Storage Facility

Transportation Terminal

Trucking Establishment

## 5.1.5 Employee Housing Provisions

5.1.5.1 Employee Housing may be considered and approved in this District, only when located

above the ground floor of a building and when the following issues can be addressed to the satisfaction of the Development Authority:

- a. Adequate long-term and legally-binding provisions are in place to ensure the Dwelling Units remain as bona fide Employee Housing and are demonstrably subordinate in terms of area and intensity to other uses in the building;
- b. The space proposed for Employee Housing units would not be reasonably used for commercial or industrial purposes;
- c. The Employee Housing units are appropriate in design for Employee Housing, particularly with respect to the unit size;
- d. Employee Housing units would not constrain any future permitted or discretionary, commercial or industrial uses from developing on the site or on surrounding areas;
- e. Impacts of existing industrial development in the area, including the adjacent CP Rail line, would not unduly interfere with Employee Housing units; and
- f. Outdoor Amenity Space such as balconies can be provided as part of the Employee Housing while meeting all of the above-described requirements in regard to impacts to or from adjacent industrial uses.

Group A, Division 1

Motion picture theatres  
Opera houses  
Television studios admitting a viewing audience  
Theatres, including experimental theatres

Group A, Division 2

Art galleries  
Auditoria  
Bowling alleys  
Churches and similar places of worship  
Clubs, non-residential  
Community halls  
Courtrooms  
Dance halls  
Daycare facilities  
Exhibition halls (other than classified in Group E)  
Gymnasia  
Lecture halls  
Libraries  
Licensed beverage establishments  
Museums  
Passenger stations and depots  
Recreational piers  
Restaurants  
Schools and colleges, non-residential  
Undertaking premises

Group A, Division 3

Arenas  
Indoor swimming pools, with or without spectator seating

Rinks

Group A, Division 4  
Amusement park structures (not elsewhere classified)  
Bleachers  
Grandstands  
Reviewing stands  
Stadia

Group B, Division 1

Jails  
Penitentiaries  
Police stations with detention quarters  
Prisons  
Psychiatric hospitals with detention quarters  
Reformatories with detention quarters

Group B, Division 2

Care facilities with treatment  
Convalescent/recovery/rehabilitation centres with treatment  
Hospices with treatment  
Hospitals  
Infirmaries  
Nursing homes with treatment  
Psychiatric hospitals without detention quarters  
Respite centres with treatment

Group B, Division 3

Assisted/supportive living facilities  
Care facilities without treatment  
Children's custodial homes  
Convalescent/recovery/rehabilitation centres without treatment  
Group homes  
Hospices without treatment  
Nursing homes without treatment  
Reformatories without detention quarters  
Respite centres without treatment

Group C

Apartments  
Boarding houses  
Clubs, residential  
Colleges, residential  
Convents

*Dormitories  
Family day homes/group family child care homes  
Hotels  
Houses  
Lodging houses  
Monasteries  
Motels  
Schools, residential*

Record of Public Submissions  
Submitted September 3, 2024



**Tourism Canmore Kananaskis**  
268 – 105 Bow Meadows Crescent  
Canmore, AB T1W 2W8

P: 855.678.1295  
E: info@explorecanmore.ca  
W: ExploreCanmore.ca



Town of Canmore

Attn: Municipal Clerk

902-7 Avenue, Canmore AB T1W 3K1

Re: Public Hearing Submission AGAINST Bylaws 2024-07 Discouraging Employee Housing in Industrial Areas, and 2024-08 Removal of Employee Housing in Industrial Districts

Dear Mayor and members of council:

As this council has stated: we are in a housing crisis. This crisis impacts our entire community—residents and businesses alike. Therefore, Tourism Canmore Kananaskis (TCK) is AGAINST Bylaws 2024-07 Discouraging Employee Housing in Industrial Areas and 2024-08 Removal of Employee Housing in Industrial Districts. TCK is especially opposed to not allowing housing in industrial areas north of the Trans-Canada Highway as well as changing “Employee Housing” to “Dwelling Unit”.

Canmore’s businesses are struggling to hire and retain staff due to the lack of affordable housing. Many employers, like residents, are unable to afford the high rents and residential land costs in residential and commercial areas. As a result, they are looking at options within the industrial zoned lands of Canmore, often second story industrial space that is typically utilized as office space. While office space may be scarce (albeit not as scarce as housing), solutions such as technology and co-working spaces have allowed businesses to reduce office size and provide alternatives that meet their business needs.

By allowing discretionary or multi-use (i.e. Employee Housing and/or industrial use), market demand will allow for changes of use based on the needs of the community. If in the future, we are no longer in a housing crisis and the demand for second floor industrial space is greater than that for housing, these spaces might be converted back to industrial and commercial spaces. It should also be noted that Canmore will see additional commercial and industrial developments, mainly at Palliser and Smith Creek, become available in the years to come. While we cannot be certain what future needs are, we do know that right now, the businesses community of Canmore is in dire need of employee housing.

The housing crisis and resulting “workforce crisis”<sup>1</sup> are well documented in many town documents. However, in these reports – specifically in the “Canmore Retail Gap Analysis and

---

<sup>1</sup> <https://www.mycanmore.ca/30910/widgets/154289/documents/106267>, page xix

**Tourism Canmore Kananaskis**  
 268 – 105 Bow Meadows Crescent  
 Canmore, AB T1W 2W8

P: 855.678.1295  
 E: info@explorecanmore.ca  
 W: ExploreCanmore.ca



Light Industrial & Commercial Land Review” (CRGA), the Labour Market Recruitment and Retention Strategy (LRRS) and the Economic Development Strategy (EDS)-housing has been out of scope. Albeit all these studies reference the housing crisis throughout. For example, a quick search shows housing is referenced 264 times in the 184-page CRGA document, 174 times in the 115-page LRRS document and 21 times in the 32-page EDS document. This showcases how closely the housing crisis is tied to a flourishing economy.

While council’s strategic goals clearly mention “a commitment to underserved housing options<sup>2</sup>” they do not include a focus on a diversified economy or vibrant businesses. However, it does mention “Inter-governmental, business, and not-for-profit relationships result in mutually beneficial outcomes<sup>3</sup>” The proposed bylaw amendments appear to disregard this goal and considering the number of businesses and business organizations opposed to the proposed amendments, the lack of consultation with these stakeholders is concerning.

Arguments against employee housing above industrial areas overlook the fact that businesses will not be attracted to these lands if the housing crisis persists. While Tourism Canmore Kananaskis commends this council’s work, these long-term projects do not address the immediate business needs.

Concerns about living standards in Canmore’s Industrial Lands point to the precarious housing situation employee housing creates. We would like to point out that the Town of Canmore created a safe parking program to allow homeless employees some form of safe shelter. We don’t think that anyone argues that the safe park program offers dignified housing. However, it is a small part to making living in Canmore for new residents attainable until they are able to secure long-term housing. We would argue that employee housing, even if in industrial areas, would be preferable to the safe park program.

TCK strongly encourages council to keep the current language of employee housing in the Land Use Bylaw and not to replace it with “Dwelling Unit”. We understand that enforcement can be challenging, but successful enforcement of non-conforming uses in the past provides confidence for any future enforcement. Keeping the words “Employee Housing” in the LUB will also show potential developers the intentions for this land, regardless of enforceability.

TCK is concerned that if the broader word ‘dwelling unit’ is used in the land use bylaw, industrial land prices will go up, exaggerating issues on both the employee housing and industrial land affordability.

<sup>2</sup> [233395 \(canmore.ca\)](#), page 4

<sup>3</sup> [233395 \(canmore.ca\)](#), page 6

**Tourism Canmore Kananaskis**  
268 – 105 Bow Meadows Crescent  
Canmore, AB T1W 2W8

P: 855.678.1295  
E: info@explorecanmore.ca  
W: ExploreCanmore.ca

E1 Attachment 1



TCK recognizes the difficulty of this decision, however, we encourage you to follow your strategic direction and listen to your business owners that urge you to vote against the two bylaws as presented today.

Best regards,

A handwritten signature in blue ink, appearing to read "Rachel Adams".

Rachel

Record of Public Submissions  
Submitted September 3, 2024

[Redacted]

On Aug 30, 2024, at 5:00 PM, Bruce McKenzie [Redacted] wrote:

Some people who received this message don't often get email [Redacted]  
[Learn why this is important](#)

**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Pretty simple to turn this down. What are you doing about the rest of the housing issues in Canmore!? Get moving.

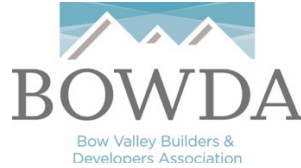
**Bruce McKenzie**, Architect, AAA, SAA, AIBC, FRAIC  
Strategic Advisor, Residential

[Redacted]  
norr.com

[Redacted]

Email Disclaimer: This communication is intended solely for the addressee(s) and contains information that is privileged, confidential and subject to copyright. Any unauthorized use, copying, review or disclosure is prohibited. If received in error, please notify us immediately by return email.

Record of Public Submissions  
Submitted September 3, 2024



August 29, 2024

Mayor Sean Krausert and Members of Council,

**RE: BOWDA Position & Recommendations Bylaws 2024-07 & 2024-08**

On behalf of our 274 member businesses and over 1000 employees that live and work within the Bow Valley real estate development industry either as builders and developers, or in a supporting capacity, BOWDA would like to share feedback on proposed bylaws 2024-07 and 2024-08.

***Housing affordability and the ability to house and retain employees*** is one of the highest priority issues for BOWDA members and affected landowners, specifically for those operating as a trade or contractor as well as those business owners in the Elk Run Industrial Area. These housing units would be private ventures, not supported by or requiring tax dollars and could expand the supply of much needed employee housing.

BOWDA and the affected landowners have not been adequately consulted on this Bylaw or its implications. BOWDA recommends that with engagement, a solution that aligns to Council's objectives while addressing concerns of the community and landowners, can be arrived at in an expeditious manner.

The Indian Flats ASP clarifies that the intent of bow meadows was always clean, light industrial. Light industrial is compatible with residential and can be adjacent to it as per the Alberta Building Code.

We would also like to acknowledge that we have reviewed the 'Retail Gap Analysis and Light Industrial and Commercial Land Review Report (April 2023) and do support preservation of industrial activities and uses to ensure a more diversified economy, to expand the non-residential tax base and to provide opportunities for new or expanded companies to choose Canmore as a place of business. However, we believe both this and the provision of employee housing can be achieved.

***Land Use Alignment***

BOWDA remains consistent in its support of housing on the second floor of industrial uses, specifically within the east portion of the Elk Run Industrial Area. BOWDA is happy to see that Administration is recommending residential uses within the TID and SB districts. BOWDA further observes that there does not seem to be clear criteria for determining why residential uses are appropriate in some industrial districts and not others. When examining the nature of the TID district and the SB district it becomes

apparent that they are very close in nature to the area identified as the east Bow Meadows area (See map).

Within this same area, there also seems to be a lack of alignment of how land use districts are designated on the ground. There is no clear distinction between IND1 and IND2 and it seems that, with time, two distinct types of areas have emerged that do not necessarily match the land use districts. We would recommend that the East Bow Meadows area is examined for inclusion of residential (Dwelling Unit) similar to what is proposed in the TID or SB districts.

This can be done in any number of ways:

1. realignment of IND1 and IND2 land use districts and the inclusion of the residential use (Dwelling Unit) for the area; or
2. redesignation of just the area to TID or SB as appropriate; or
3. the creation of a new district.



Two distinct industrial areas exist in Bow Meadows but the land use districts do not align to the nature of these areas.

**Policy Amendments**

BOWDA recommends that the policy amendments are not applied specifically on a geography basis, but that they pertain to how land use designations are applied on the ground. Geographic specific recommendations would require further amendment of land use changes, in alignment with what BOWDA requests be completed.

### **Concern with Approved Non-Conforming Uses**

BOWDA is concerned that with the land use district changes, existing employee housing and residential uses will no longer be considered an approved and conforming use under the MGA. With the elimination of the Employee Housing use from the district and the addition of rules that may not apply to previously approved developments, certain development that may no longer be rebuilt under the new rules of the Bylaw. As a result, destruction of more than 80% of any building that contains that use would mean that the use would not be allowed to be rebuilt as it was constructed. In the case of fire or other issue where the building experienced damage, there would be a loss of housing within the community and economic implications to the building owner. We would request that Council add a use to the district called "Uses approved prior to date" (similar to other districts in the Land Use Bylaw) as a Discretionary Use. This would rectify our concern with approved non-conforming buildings.

### **Land Use District Comments**

#### dBA Noise/ Sound

The Town of Canmore is unable to regulate items that are regulated under the Alberta Building Code (ABC). Noise levels within the structure of buildings are identified within the ABC and specifically which examine ratings based on adjacencies. Further, controlling neighbours noise levels is not practical or feasible and the proposed 35-40 dBA range is unrealistic, given that modern appliances run at 35-46dBA (source: Danby Canada). We would suggest that the Land Use District regulations pertaining to sound and noise be removed from the list of amendments as it is already governed under the ABC.

If Dwelling Units are allowed on the second storey, we would recommend that provided the residential use does not exceed the floor area of the primary use that a residential use be allowed to occur, i.e. <50%. It would be uneconomic to permit residential uses on the second storey if only 30% of floor area of the first floor could be built. This regulation as written would effectively ensure that residential uses are not built. Allowing Dwelling Units to occupy the second storey provided it is less than the GFA of the primary uses allows flexibility while keeping in line with the intent of the district; should reflect a minimum percentage, not a maximum.

We look forward to presenting this in-person at the public hearing on September 3<sup>rd</sup>.

Sincerely,



Ian O'Donnell  
Executive Director



Brian Talbot  
Board Chair

*Re: Land Use Bylaw Amendment Circulation letter dated Aug 6, 2024*

August 26, 2024

*Dear Mayor and Members of the Canmore City Council,*

I hope this letter finds you well. As a concerned small business owner in Canmore, I am writing to express my deep apprehension regarding the recent discretionary land use change that removes employee housing as a permitted use on properties identified within the General Industrial District (IND-2). This decision has significant implications for our community, and I urge you to reconsider.

Before delving into the specifics, allow me to provide some context. Canmore, nestled in the stunning Bow Valley, is a vibrant town known for its natural beauty, outdoor recreation, and thriving tourism industry. However, like many desirable mountain towns, we face unique challenges, particularly when it comes to housing affordability.

One of the cornerstones of a healthy community is ensuring that those who work here can also afford to live here. Employee housing plays a crucial role in achieving this balance. It allows businesses to attract and retain skilled workers, fosters a sense of stability, and contributes to the overall well-being of our town.

**Background:**

As we discuss land use, it's essential to recognize our business, the Canmore Bottle Depot—a community asset that exemplifies responsible waste management. Over the past 30 years, the Canmore Bottle Depot has been supporting Canmore's sustainability goals by providing the community with beverage container recycling and deposit redemptions. Over the years, the Canmore bottle depot has received many accolades, mostly recently being the "Applaud a Depot" winner and featured on the Alberta Bottle Depot Association website: <https://www.abda.ca/>. The Depot is a family operated business and committed to helping those in need and through the covid closure provided the Cerebral Palsy Association in Alberta, Ramone Bravo (local initiative), SPCA and the local food bank with over \$42,000 in support through raised bottle donations/redemptions. The depot has partnered with a number of other local initiatives from High School Grads, the Scouts, hockey teams and countless other associations in support of the community in which it operates.

**The Living Wage Challenge:**

The pressing issue we face is that Canmore's living wage, currently at an impressive \$38.80 per hour, stands as the highest in Alberta. This seemingly positive statistic masks a critical issue: the lack of affordable housing. Our picturesque mountain setting attracts residents and visitors alike, but it also drives up real estate prices. As a result, employees, essential to our local economy, struggle to find suitable housing within their means.



**The Role of Employee Housing:**

Small business owners like myself rely on a dedicated workforce. Without employee housing options, we face a dilemma: either pay higher wages to compensate for housing costs or risk losing valuable staff. The latter scenario threatens the viability of our businesses. By allowing maximum land flexibility, we can create a win-win situation by:

1. **Attracting and Retaining Talent:** Employee housing ensures that workers can afford to live near their workplace. When employees feel secure in their housing situation, they are more likely to stay long-term, reducing turnover costs for businesses.
2. **Mitigating Wage Pressure:** Canmore’s high living wage is partly driven by housing costs. By providing employee housing, we can alleviate this pressure, allowing businesses to compete on a level playing field with other jurisdictions in Alberta.
3. **Balancing Safety and Functionality:** retention of employee housing as a discretionary use, ensures community safety and functionality targets are met during the permitting process for new construction. We can strike a balance that meets both business needs and community well-being.

**A Plea for Reconsideration:**

In light of the above, I implore the City of Canmore to revisit its decision regarding employee housing. Let us not forget that our small businesses form the backbone of our community. We contribute to our unique character, provide employment opportunities, and enhance our quality of life. Removing employee housing as a discretionary use jeopardizes this delicate equilibrium.

I urge you to consider the long-term impact of this decision. Canmore thrives when its workforce thrives. Let us work together to find solutions that support both economic growth and social well-being.

Thank you for your attention to this matter. I trust that you will carefully weigh the implications and make a decision that reflects the best interests of our town.

Sincerely,

Faizel Poonja, Canmore Bottle Depot Inc., Poonja Holdings (2006) Inc.

[Redacted signature area]



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

On Sep 3, 2024, at 6:49 AM, Brian [REDACTED] wrote:

Some people who received this message don't often get email from [REDACTED] [Learn why this is important](#)

**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Hello Mayor, council and planners,

I am writing you about the above issue.

BOWDA has noted that there does not seem to be clear criteria for determining why residential uses are appropriate in some industrial districts and not others. When examining the nature of the TID district and the SB district it becomes apparent that they are very close in nature to the IND 1 and Ind2 areas.

Within this same area, there also seems to be a lack of alignment of how land use districts are designated on the ground. There is no clear distinction between IND1 and IND2 except for two uses, as noted in the attached comparison. Before eliminating employee housing or dwelling units, a review of uses in our five industrial areas may be helpful.

We support BOWDA's recommendation that the policy amendments are not applied specifically on a geography basis, but that they pertain to how land use designations are applied on the ground. Geographic specific recommendations would require further amendment of land use changes, in alignment with what BOWDA requests

be completed.

BOWDA is concerned that with the land use district changes, existing employee housing and residential uses will no longer be considered an approved and conforming use under the MGA. With the elimination of the Employee Housing use from the district and the addition of rules that may not apply to previously approved developments, certain developments may no longer be rebuilt under the new rules of the Bylaw. As a result, destruction of more than 80% of any building that contains that use would mean that the use would not be allowed to be rebuilt as it was constructed. In the case of fire or other issue where the building experienced damage, there would be a loss of housing within the community and economic implications to the building owner. We would request that Council add a use to the district called "Uses approved prior to date" (similar to other districts in the Land Use Bylaw) as a Discretionary Use. This would rectify concerns with approved non-conforming buildings.

If Dwelling Units are allowed on the second storey, it is reasonable that the residential use does not exceed the floor area of the primary use . It is unrealistic to permit only 30% of the floor area . It is also reasonable to tie a permitted upper dwelling unit to the permitted use below, rather than permitting separate ownership, to avoid future conflict of uses.

Best regards.

Brian Salzgeber – owner Canmore Woodcrafters



**Brian Salzgeber**  
El Jefe | Red Seal Cabinetmaker



**From:** [Ernst](#)  
**To:** [Shared.MunicipalClerk](#)  
**Subject:** FW: Land use Bylaw Amendment  
**Date:** September 2, 2024 4:38:00 PM

You don't often get email from [REDACTED]. [Learn why this is important](#)

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

**From:** Ernst  
**Sent:** Monday, September 2, 2024 4:18 PM  
**To:** municipal.clerk@canmore.ca  
**Subject:** Land use Bylaw Amendment

Mayor Sean Krausert and Members of Council,

Regarding the proposed land use bylaw amendment, I am not in favor of the changes and would like to make the following point:

- I agree with the position that BOWDA has taken and support their points.
- Do understand that the town wants to keep as much industrial space available und not using it up for staff/employ housing.
- There exists a huge shortage of affordable housing as everybody knows way not use some of the existing second floor spaces for it.
- The town has approved some staff housing in a few buildings in district IND1 and did not allow it in buildings next to it in the same zoning, that is something that should never happened the town set a precedent by applying deferent rules to the same type of applications. Other businesses asking for the same treatment as the ones that got approval, and they get turned down.
- Having second floor spaces available for rent is great and you may get a new business starting up, but with the current salaries that are paid most staff can't afford to live here.
- I think the town of Canmore has an obligation that the existing businesses sexed and drive and are able retain the employees they need and that means for most businesses' employees need low cost/affordable housing.
- Would it be possible for the Mayor and council to have second look to see if there could be a solution fund that some housing could be allowed on the second floor in all zones TID,SB,IND1 and IND2?

I would like to thank the mayor and council for there time to look at some of my thoughts.

Ernst Salzgeber owner of the building on 102 Boulder Crescent

This email and any attachments thereto may contain private, confidential, and privileged material for the sole use of the

**From:** [Sara Salzgeber Jones](#)  
**To:** [Shared.MunicipalClerk](#); [Sean Krausert](#); [Planning](#)  
**Subject:** Employee Housing in Industrial Areas  
**Date:** September 2, 2024 11:16:33 PM

Some people who received this message don't often get email from [REDACTED]. [Learn why this is important](#)

**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Dear Mayor, Council Members and Planners,

I am a long term resident of Canmore and feel strongly that the Employee Housing use remain in the LUB as a Discretionary Use in all industrial areas in Canmore and concur with the BOWDA submission.

Employee retention has been a major issue for most businesses in the Bow Valley for many years due to a severe shortage of housing and even less affordable options. The elimination of the designation will result in many displaced employees and in turn businesses will lose staff. Most industrial uses are very compatible with housing on the second floor.

I support the preservation of industrial uses as they are essential to a viable community, but strongly believe that many industrial activities and employee housing can coexist in one building. Most permitted and discretionary uses are compatible with office and dwelling use.

BOWDA has noted that there does not seem to be clear criteria for determining why residential uses are appropriate in some industrial districts and not others. When examining the nature of the TID district and the SB district it becomes apparent that they are very close in nature to the IND 1 and IND2 areas.

Within this same area there also seems to be a lack of alignment of how land use districts are designated on the ground. There is no clear distinction between IND1 and IND2 except for two uses, as noted in the attached comparison. Before eliminating employee housing or dwelling units, a review of uses in our five industrial areas may be helpful.

I support BOWDA's recommendation that the policy amendments are not applied specifically on a geography basis, but that they pertain to how land use designations are applied on the ground. Geographic specific recommendations would require further amendment of land use changes, in alignment with what BOWDA requests be completed.

BOWDA is concerned that with the land use district changes, existing employee housing and residential uses will no longer be considered an approved and conforming use under the MGA. With the elimination of the

Employee Housing use from the district and the addition of rules that may not apply to previously approved developments, certain developments may no longer be rebuilt under the new rules of the Bylaw. As a result, destruction of more than 80% of any building that contains that use would mean that the use would not be allowed to be rebuilt as it was constructed. In the case of fire or other issue where the building experienced damage, there would be a loss of housing within the community and economic implications to the building owner. We would request that Council add a use to the district called "Uses approved prior to date" (similar to other districts in the Land Use Bylaw) as a Discretionary Use. This would rectify concerns with approved non-conforming buildings.

If Dwelling Units are allowed on the second storey, it is reasonable that the residential use does not exceed the floor area of the primary use. It is unrealistic to permit only 30% of the floor area. It is also reasonable to tie a permitted upper dwelling unit to the permitted use below, rather than permitting separate ownership, to avoid future conflict of uses.

In summary, I am concerned and strongly oppose the proposed land use bylaw amendment. Lack staff and workers due to a shortage of affordable accommodation has been a chronic ongoing issue here. If the town actually wants to support and help existing and new business succeed, I am having difficulty understanding how will they do so if they remove the potential for much needed employee housing in these areas. Please be thorough and thoughtful in your considerations when making your decision.

Respectfully,

Sara Salzgeber Jones

[REDACTED]

**From:** [Dale Sarna](#)  
**To:** [Council](#); [Shared.MunicipalClerk](#)  
**Subject:** Removal of Housing in both IND 1 and IND 2  
**Date:** September 1, 2024 8:00:30 PM  
**Attachments:** [Screen Shot 2018-12-14 at 3.12.41 PM-5-9.png](#)

You don't often get email from [REDACTED]. [Learn why this is important](#)

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Council,

I'm emailing to express my concern for the proposed by-law amendment to IND 1 and IND 2, removal of the employee housing.

I own several businesses in the Bow Valley and housing is always a major concern. The current change in Federal Government LMIA applications, cost of housing, etc., makes it hard to run a business and make profit. As you know, businesses need to make profit in order to function.

As an owner of a unit with a tenant in IND 1, I oppose this proposed by-law change for obvious reasons of increasing employee housing in the Bow Valley.

Best regards,

Dale Sarna  
[RE/MAX Alpine Realty](#)  
Co-owner/Associate Broker



This communication is intended for the use of the recipient to which it is addresses and may contain confidential, personal and/or privileged information. Please contact us immediately if you not the intended recipient of this communication, and do not copy, distribute, or take action relying on it. Any communication received in error, or subsequent reply, should be deleted or destroyed.

**From:** [Vijay Sethi](#)  
**To:** [Shared.MunicipalClerk](#)  
**Subject:** Land use bylaw amendment  
**Date:** August 30, 2024 2:30:33 PM

---

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Municipal Clerk

I own lots [REDACTED] on Bow Valley Trail, [REDACTED]. I would like the opportunity to be able to speak at the Public Hearing on 3rd September. I would like to see 5.4.6.4 removed or at least 30%

Changed to upto 75% for dwelling units on upper level/s. This will help address current and future shortages in accommodation.

Additionally, due to unprecedented beauty of Canmore, exterior of building should be world class by extensive use of Rundle Rock to present quaint mountain village atmosphere, particularly for any property lying along Bow Valley Trail.

I sincerely thank you, if you could grant me this opportunity to address my views on the town I love so much.

Vijay Sethi

Record of Public Submissions  
Submitted September 3, 2024



**From:** [Dustin Taylor](#)  
**To:** [Steve Ashton](#); [Shared.MunicipalClerk](#)  
**Subject:** RE: Bylaws 2024-07 and 2024-08 - Removal of employee housing from IND2  
**Date:** September 3, 2024 9:19:05 AM  
**Attachments:** [image002.png](#)  
[image003.png](#)

You don't often get email from [REDACTED] [Learn why this is important](#)

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Town of Canmore council and Mayor,

Steven Ashton from Ashton Construction could not have expressed our concerns and position on this matter any better. I hope this is taken into consideration when reviewed by council.

Thank You



**Dustin Taylor**  
Cascade Mechanical Ltd

[REDACTED]  
[REDACTED]

[www.cascademechanical.ca](http://www.cascademechanical.ca)

Confidentiality Caution – This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged and confidential. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and or return e-mail and delete the material from any and all computers that it may reside.

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**From:** [Nicole Tremblay](#)  
**To:** [Shared.MunicipalClerk](#)  
**Subject:** industrial land use by-law amendment  
**Date:** August 27, 2024 6:50:17 PM

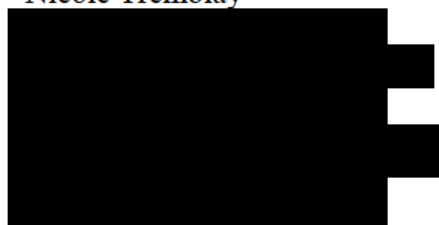
---

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi, I am writing to express my support for the proposed by-law amendment to remove housing as a discretionary use in industrial zones. I also fully support honouring all existing residential permits as proposed.

Thank you,  
Nicole Tremblay

--  
Nicole Tremblay



Record of Public Submissions  
Submitted September 3, 2024



# Request for Decision

**DATE OF MEETING:** September 3, 2024 **Agenda #: G 1**

**TO:** Council

**SUBJECT:** Town of Canmore Municipal Development Plan Amendment 2024-07 – Discouraging Employee Housing in Industrial Areas and Revised Land Use Bylaw Amendment 2024-08 – Discouraging Employee Housing in Industrial Areas

**SUBMITTED BY:** Harry Shnider, Manager, Planning and Development  
Nathan Grivell, Senior Development Planner

**RECOMMENDATION:** That Council give second reading to the Town of Canmore Municipal Development Plan Amendment 2024-07 – Discouraging Employee Housing in Industrial Areas.

That Council give third reading to the Town of Canmore Municipal Development Plan Amendment 2024-07 – Discouraging Employee Housing in Industrial Areas.

That Council give second reading to the amended Revised Land Use Bylaw Amendment 2024-08 – Removal of Employee Housing from Industrial Areas.

That Council amend Revised Land Use Bylaw Amendment 2024-08 by adding the following section after section 20 and renumbering subsequent sections accordingly: “21 Section 5.4.6.6 is repealed.”

That Council give third reading to Revised Land Use Bylaw Amendment 2024-08 – Removal of Employee Housing from Industrial Areas.

## EXECUTIVE SUMMARY

Town of Canmore Municipal Development Plan Amendment 2024-07 and Revised Land Use Bylaw Amendment 2024-08 both received first reading on July 2, 2024 and are the subject of a public hearing on September 3, 2024.

Please refer to Attachment 1 for administration’s analysis on this matter which was presented during the first reading of this bylaw.

In accordance with council motion 200-2023, administration has prepared amendments to the Town’s Municipal Development Plan (MDP) and Land Use Bylaw (LUB) that will discourage Employee Housing. The land use is proposed to be removed from Section 5.2 – Light Industrial District (IND1) and Section 5.3 – General Industrial District (IND2). Further restrictions on Employee Housing are proposed for Section 5.4

– Southern Business District (SB). Employee Housing is proposed to be replaced with the use Dwelling Unit in Section 5.1 – Transition Industrial District (TID) to better account for the recommendations listed within the Wellhead Protection Area for Water Supply Wells PW1A and PW2. Restrictions on Dwelling Units have also been added to the Transition Industrial District.

After first reading of Bylaw 2024-08, an administrative error was discovered in the bylaw – a section that needs to be repealed from the Land Use Bylaw was omitted from the amending bylaw. Accordingly, after second reading, it is recommended that Council put forward and approve the following motion:

*That Council amend Revised Land Use Bylaw Amendment Bylaw 2024-08 by adding the following section after section 20 and renumbering subsequent sections accordingly:*

21 Section 5.4.6.6 is repealed.

It was also determined that the redline version of the bylaw attached to the report erroneously inserted (and struck through) a section of the bylaw. Section 5.4.6.1 as shown in the redline is not a section in the SB district and was mistakenly included in the preparation of the redline document. As this does not affect the amending bylaw, a Council motion is not required on this item.

**ATTACHMENTS**

- 1) RFD from the July 2, 2024 Regular Meeting of Council
- 2) Town of Canmore Municipal Development Plan Bylaw Amendment 2024-07 – Discouraging Employee Housing in Industrial Areas
- 3) Revised Land Use Bylaw Amendment 2024-08 – Removal of Employee Housing from Industrial Districts

**AUTHORIZATION**

Submitted by:	Nathan Grivell Senior Development Planner	Date: <u>July 31, 2024</u>
Approved by:	Harry Snider Manager of Planning and Development	Date: <u>July 31, 2024</u>
Approved by:	Whitney Smithers General Manager of Municipal Infrastructure	Date: <u>August 12, 2024</u>
Approved by:	Sally Caudill Chief Administrative Officer	Date: <u>August 26, 2024</u>



# Request for Decision

**DATE OF MEETING:** July 2, 2024 **Agenda #: G 2**

**TO:** Council

**SUBJECT:** Discouraging the Provision of Housing in Industrial Districts

**SUBMITTED BY:** Harry Shnider, Manager, Planning and Development  
Nathan Grivell, Senior Development Planner

**RECOMMENDATION:** That Council give first reading to Town of Canmore Municipal Development Plan Bylaw Amendment 2024-07 – Discouraging Employee Housing in Industrial Areas.

That Council give first reading to Revised Land Use Bylaw Amendment 2024-08 – Removal of Employee Housing from Industrial Districts.

That Council schedule a single Public Hearing for Bylaw 2024-07 and Bylaw 2024-08 on September 3, 2024.

## EXECUTIVE SUMMARY

In accordance with Council Motion 200-2023, Administration has prepared amendments to the Town's Municipal Development Plan (MDP) and Land Use Bylaw (LUB) that will discourage Employee Housing in industrial districts. The land use is proposed to be removed from Section 5.2 – Light Industrial District (IND1) and Section 5.3 – General Industrial District (IND2). Further restrictions on Employee Housing are proposed for Section 5.4 – Southern Business District (SB). Employee Housing is proposed to be replaced with the use of Dwelling Unit in Section 5.1 – Transition Industrial District (IID) to better account for the recommendations listed within the Wellhead Protection Update for Water Supply Wells PW1A and PW2. Restrictions on Dwelling Units have also been added to the Transition Industrial District.

## RELEVANT COUNCIL DIRECTION, POLICY, OR BYLAWS

At the Regular Council Meeting held on September 5, 2023, as a follow-up to accepting the Retail Gap Analysis and Light Industrial & Retail Study, Council passed Motion 200-2023, directing Administration to return with recommended amendments to the LUB and MDP to discourage the provision of employee housing in industrial districts.

The Municipal Development Plan (Bylaw 2016-03) sets the Town's overall policy direction for community land use decisions, and all planning documents such as area structure plans and the land use bylaw are aligned with it.

The Land Use Bylaw (Bylaw 2018-22) regulates and controls the use and development of land and buildings within the municipality.

Council approved CAP 7258, Wellhead Protection Study, in the 2022 capital budget. This report, which is currently scheduled to come to the September Committee of the Whole, does not require Council approval but will be brought for information. This study refines the location of the aquifer that the Town's drinking water supply wells draw from and identifies areas of concern based upon permitted and discretionary uses within certain Land Use Districts that have potential to impact the aquifer.

## **DISCUSSION**

In accordance with Council's motion from September 5, 2023, Administration has prepared amendments to the Town's Municipal Development Plan (MDP) and Land Use Bylaw (LUB) that discourage employee housing in industrial districts. The proposed amendments are as follows:

### Municipal Development Plan

The bylaw to amend the MDP is provided as Attachment 1. Amendments are proposed to three sections of the MDP:

- Section 2.2, which currently outlines the pattern of growth for the community, including industrial growth,
- Section 5.3, which currently outlines strategies to increase the provision of employee housing community-wide, including where appropriate, in the industrial areas, and
- Section 12.1, which currently outlines industrial policies, including when housing is appropriate within industrial areas.

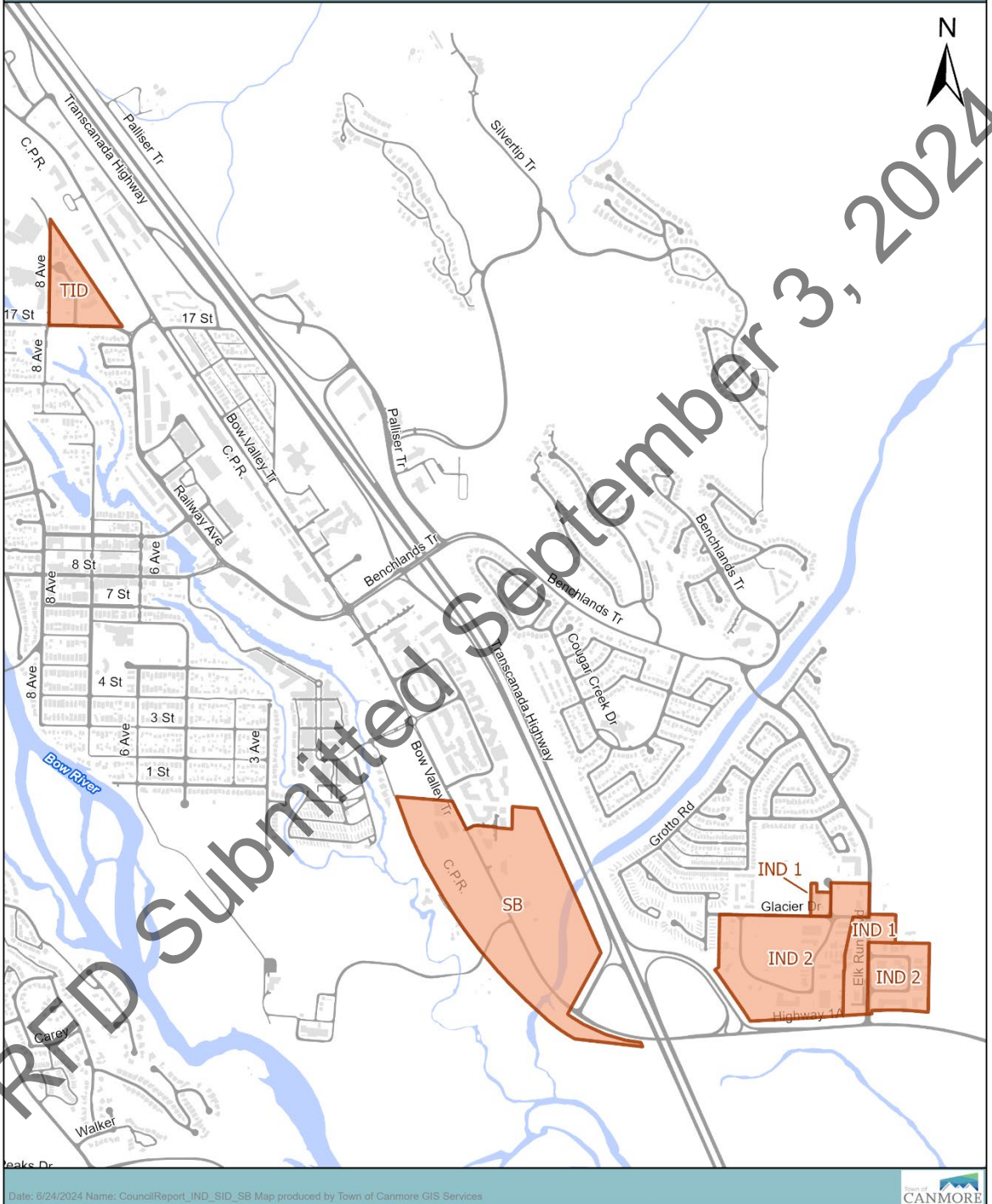
The proposed amendments change the language in the MDP from support if certain criteria can be met, to non-support for new development proposals in industrial areas to the north of the Trans Canada Highway, and more specific criteria for industrial areas to the south.

The proposed changes are shown in redline in Attachment 3.

### Land Use Bylaw

Amendments are proposed to the four industrial districts in the LUB, specifically to the IND 1 Light Industrial District, the IND 2 General Industrial District, the TID Transition Industrial District, and the SB Southern Business District. The location of each land use district is shown on Figure 1 on the following page.

Figure 1



Employee Housing is proposed to be removed as a listed use, along with any use-related regulations, for the IND1 and IND2 Districts. By removing the use from the district, any approved employee housing units would be considered legal non-conforming uses and may continue to exist provided they remain as approved. There will not be an opportunity to apply for additional employee housing units on the same property, however.

Rather than removing Employee Housing as a use from the TID and SB Districts outright, Administration recommends pursuing alternate methods to continue to allow some form of accommodation within these districts.

Within the TID District, Administration recommends replacing Employee Housing with Dwelling Units (above the ground floor). The Wellhead Protection Update for Water Supply Wells PW1A and PW2 recommends the removal of potential industrial uses that could impair the aquifer that provides the Town’s potable water supply from the TID District. This will shift the purpose of the district to more mixed commercial/industrial development that is better suited to support some residential use. However, to help preserve non-residential uses, a requirement has been added that limits the number of Dwelling Units in a building to no more than 30% of its gross floor area. Size limits are also proposed to support units being workforce oriented. Administration believes these changes achieve an acceptable balance between housing and light industrial uses while conforming with the recommendations of the Wellhead Protection Update for Water Supply Wells PW1A and PW2.

Administration also recommends replacing Employee Housing with Dwelling Units (above the ground floor) in the SB District. The recommended amendment proposes to keep the existing regulations currently regulating Employee Housing, with the use changed to ‘Dwelling Units’. Similar to the Transitional Industrial District, the Southern Business District is a district with a mix of commercial and light industrial uses that could support limited residential use.

The bylaw required to implement these changes is provided as Attachment 2. The proposed changes are shown in redline in Attachment 4.

**ANALYSIS OF ALTERNATIVES**

Council could decide to remove Employee Housing as a use from the TID and SB Districts. This is not recommended given the impacts of the Wellhead Protection Update for Water Supply Wells PW1A and PW2 on the TID District, and the business park nature of the SB District.

**FINANCIAL IMPACTS**

N/A

**INTEREST HOLDER ENGAGEMENT**

Internal departments including Economic Development, Engineering, and Public Works provided input on the content of the report.



**ATTACHMENTS**

- 1) Town of Canmore Municipal Development Plan Bylaw Amendment 2024-07 – Discouraging Employee Housing in Industrial Areas.
- 2) Revised Land Use Bylaw Amendment 2024-08 – Removal of Employee Housing from Industrial Districts
- 3) Town of Canmore Municipal Development Plan 2016-03 – Redline Excerpt
- 4) Revised Land Use Bylaw 2018-22 – Redline Excerpt

**AUTHORIZATION**

Submitted by:	Nathan Grivell Senior Development Planner	Date: <u>May 28, 2024</u>
Approved by:	Harry Shnider Manager of Planning and Development	Date: <u>June 11, 2024</u>
Approved by:	Whitney Smithers General Manager of Municipal Infrastructure	Date: <u>June 13, 2024</u>
Approved by:	Sally Caudill Chief Administrative Officer	Date: <u>June 24, 2024</u>

RFD Submitted September 3, 2024



## BYLAW 2024-07

### A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, TO AMEND TOWN OF CANMORE MUNICIPAL DEVELOPMENT PLAN BYLAW 2016-03

The Council of the Town of Canmore, in the Province of Alberta, duly assembled, enacts as follows:

#### TITLE

- 1 This bylaw shall be known as “Town of Canmore Municipal Development Plan Amendment 2024-07 – Discouraging Employee Housing in Industrial Areas.”

#### INTERPRETATION

- 2 Words defined in Bylaw 2016-03 shall have the same meaning when used in this bylaw.

#### AMENDS BYLAW 2016-03

- 3 Town of Canmore Municipal Development Plan Bylaw 2016-03 is amended by this bylaw.
- 4 Section 2.2 is amended by striking out “Any residential or commercial uses are ancillary to the primary industrial function of these areas.”
- 5 Section 5.3.1 is repealed and the following is substituted:
 

5.3.1 “Housing for employees within industrial areas north of the Trans-Canada Highway shall not be supported by the Town. Housing for employees within industrial areas south of the Trans-Canada Highway may be considered by the Town when it does not compromise the primary industrial use of the area and meets the requirements of Section 12.1.8.”
- 6 Section 5.3.4 is amended by inserting “Excluding industrial areas north of the Trans-Canada Highway,” before “Private initiatives to create additional seasonal and permanent employee housing opportunities should be supported by the Town.”
- 7 Section 12.1.8 is amended by striking out “Where residential development is proposed in industrial areas, the Town should consider the following issues:” and inserting “Housing within industrial areas may be considered by the Town but only within industrial areas south of the Trans-Canada Highway, and, only when the following requirements are met:”

#### ENACTMENT/TRANSITION

- 8 If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.
- 9 This bylaw comes into force on the date it is passed.

FIRST READING:

PUBLIC HEARING:

SECOND READING:

THIRD READING:

Approved on behalf of the Town of Canmore:

\_\_\_\_\_  
Sean Krausert  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Cheryl Hyde  
Manager, Municipal Clerk's Office

\_\_\_\_\_  
Date

RFD Submitted September 3, 2024

Bylaw approved by: \_\_\_\_\_



## BYLAW 2024-08

### A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, TO AMEND REVISED LAND USE BYLAW 2018-22

---

The Council of the Town of Canmore, in the Province of Alberta, duly assembled, enacts as follows:

#### TITLE

- 1 This bylaw shall be known as “Revised Land Use Bylaw Amendment 2024-08 – Removal of Employee Housing from Industrial Districts.”

#### INTERPRETATION

- 2 Words defined in Bylaw 2018-22 shall have the same meaning when used in this bylaw.

#### AMENDS BYLAW 2018-22

- 3 Revised Land Use Bylaw 2018-22 is amended by this bylaw.
- 4 Section 5.1 Purpose is amended by adding “Residential uses may be allowed in accordance with the list of “discretionary uses” when such uses are compatible with the light industrial purpose of the District.”
- 5 Section 5.1.2 is amended by striking out “Employee Housing (above the ground floor) and inserting “Dwelling Unit (above the ground floor)”.
- 6 Section 5.1.5 is amended by striking out “Employee Housing” and substituting “Dwelling Unit”.
- 7 Section 5.1.5.1 is repealed and the following is substituted:

5.1.5.1 Dwelling Units shall meet the following maximum unit size criteria:

- a. Bachelor - 37.0 m<sup>2</sup>
- b. One bedroom - 51.0 m<sup>2</sup>
- c. Two bedroom - 65.0 m<sup>2</sup>
- d. Three bedroom - 84.0 m<sup>2</sup>

5.1.5.2 Dwelling Units shall be located above the ground floor.

5.1.5.3 Dwelling Units shall be integrated into the development.

5.1.5.4 A maximum of 30% of the total GFA of the building(s) on site may be used for Dwelling Unit purposes.

5.1.5.5 Dwelling Units shall be designed to reduce exterior noise and vibration from adjacent uses. All Dwelling Units shall be designed so that noise levels from adjacent uses do not exceed 35dBA (Leq) in bedrooms and 40dBA (Leq) in all other living spaces. Development Permit

applications shall include a professionally prepared acoustical report to confirm compliance with this requirement.

- 8 Section 5.2.2 is amended by striking out “Employee Housing (above the ground floor)”.
- 9 Section 5.2.4.1 be amended by striking out “Employee Housing units and”.
- 10 Section 5.2.5 and section 5.2.5.1 are repealed.
- 11 Section 5.3.2 is amended by striking out “Employee Housing”.
- 12 Section 5.3.6 and section 5.3.6.1 are repealed.
- 13 Section 5.4 Purpose is amended by striking out “To be a gateway to the community and provide for a range of Light Manufacturing and other light industrial uses.” and substituting ““To be a gateway to the community and provide for a range of commercial and light industrial uses. Residential uses may be allowed in accordance with the list of discretionary uses, when such uses are compatible with the purpose of the District.”
- 14 Section 5.4.2 is amended by striking out “Employee Housing and by inserting “Dwelling Unit (above the ground floor)”.
- 15 Section 5.4.6 is amended by striking out “Employee Housing” and substituting “Dwelling Unit”.
- 16 Section 5.4.6.1 is repealed and the following is substituted:
  - 5.4.6.1 Dwelling Units shall meet the following maximum unit size criteria:
    - a. Bachelor - 37.0 m<sup>2</sup>
    - b. One bedroom - 51.0 m<sup>2</sup>
    - c. Two bedroom - 65.0 m<sup>2</sup>
    - d. Three bedroom - 84.0 m<sup>2</sup>”
- 17 Section 5.4.6.2 is repealed and the following is substituted:
  - 5.4.6.2 Dwelling Units shall be located above the ground floor.
- 18 5.4.6.3 bis repealed and the following is substituted:
  - 5.4.6.3 Dwelling Units shall be integrated into the development.
- 19 Section 5.4.6.4 is repealed and the following is substituted:
  - 5.4.6.4 A maximum of 30% of the total GFA of the building(s) on site may be used for Dwelling Unit purposes.

20 Section 5.4.6.5 is repealed and the following is substituted:

5.4.6.5 Dwelling Units shall be designed to reduce exterior noise and vibration from adjacent uses. All Dwelling Units shall be designed so that noise levels from adjacent uses do not exceed 35dBA (Leq) in bedrooms and 40dBA (Leq) in all other living spaces. Development Permit applications shall include a professionally prepared acoustical report to confirm compliance with this requirement.”

**ENACTMENT/TRANSITION**

21 If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.

22 This bylaw comes into force on the date it is passed.

FIRST READING:

PUBLIC HEARING:

SECOND READING:

THIRD READING:

Approved on behalf of the Town of Canmore:

\_\_\_\_\_  
Sean Krausert  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Cheryl Hyde  
Manager, Municipal Clerk’s Office

\_\_\_\_\_  
Date

RFD Submitted September 3, 2024

Bylaw approved by: \_\_\_\_\_

## 2.2 PATTERN OF GROWTH

The Conceptual Land Use map (Map 2) identifies the general long term pattern of land use within Canmore. The map shows the general intent for future development, recognizing that more detailed boundaries and land uses will be determined or specified through area structure or redevelopment plans and the *Land Use Bylaw*. The general land use categories include:

**Future Planning** – The areas shown as Future Planning identify lands for future development where an area structure plan is required to be prepared and approved to determine the development potential of the land. (Section 2.4)

**Conservation** – the areas shown as Conservation areas identify lands that are not designated for urban development and may contain Environmentally Sensitive Areas such as wildlife corridors and habitat patches and waterbodies. (Section 4.1)

**Neighbourhood Residential** - The areas shown as Neighbourhood Residential identify the lands for current and future neighbourhood development of which the primary use is residential. These areas may also contain neighbourhood supporting developments such as local commercial, parks, utilities, and institutional uses. (Section 6)

**Community Open Space and Recreation** – The areas shown as Open Spaces identify lands that function as large areas for public outdoor recreation, public spaces, trails and key meeting places for the community. The primary focus of open spaces is for human use. (Section 7)

**Private Recreation** – The areas shown as Private Recreation identify large areas of privately owned lands intended for commercial recreational and open space uses such as golf courses and ranches. (Section 8)

**Commercial and Mixed Use** – The areas shown as Commercial and Mixed use identify the lands for current commercial and mixed use development and future opportunities. This development is intended to foster the local economy and add to the quality of life for residents by providing neighbourhood level commercial services. Any residential uses are ancillary to the primary commercial functions of these areas. (Section 10)

**Resort Centre** – The areas shown as Resort Centre identify lands for proposed major resort areas within Silvertip and Three Sisters Mountain Village. These lands accommodate large scale commercial developments to provide commercial services as well as short-term stays for visitors and resort accommodation. Non-accommodation commercial uses in Resort Centres diversify the local economic base and support increased occupancy within the Resort Centre area. (Section 11)

**Industrial** – The areas shown as Industrial identify the lands for current and future industrial development. Industrial development is important to the local economy and the limited industrial land base is protected from inappropriate commercial or residential development. ~~Any residential or commercial uses are ancillary to the primary industrial function of these areas.~~ (Section 12)

## 5.3 MARKET AFFORDABLE HOUSING

### Housing for Employees

- 5.3.1 ~~Conversion of spaces in the upper floors of existing buildings in industrial areas which are marginally useful for industrial purposes into housing for employees and live-work spaces may be allowed. The residential conversion should not compromise the primary industrial use of the area.~~ Housing for employees within industrial areas north of the Trans-Canada Highway shall not be supported by the Town. Housing for employees within industrial areas south of the Trans-Canada Highway may be considered by the Town when it does not compromise the primary industrial use of the area and meets the requirements of Section 12.1.8.
- 5.3.2 Development or conversion of upper floors of mixed-use or commercial buildings or main floor spaces that do not function well for commercial frontage into housing for employees and live-work spaces may be allowed. Variances to land use bylaw regulations, such as parking, may be approved to facilitate such development.
- 5.3.3 A strategy for housing employees should be implemented by the Town in partnership with an affordable housing agent, developers, business owners and economic development partners.
- 5.3.4 ~~Excluding industrial areas north of the Trans-Canada Highway,~~ Private initiatives to create additional seasonal and permanent employee housing opportunities should be supported by the Town.
- 5.3.5 The management and administration of housing for employees shall be the responsibility of the businesses or commercial accommodation developers that are required to build and maintain the housing. Such housing will be required to be operated in such a manner that the Town can monitor and verify that any employee housing obligations are being satisfied.



## 12.1 GENERAL INDUSTRIAL POLICIES

### Industrial Areas

- 12.1.1 Industrial uses are generally accommodated in the Industrial areas identified on Map 2 - Conceptual Land Use.
- 12.1.2 Through land use districting, the Town will accommodate and regulate a variety of light industrial and business industrial areas as shown on Map 5 - Commercial and Industrial Land Use.
- 12.1.3 Industrial lands shall be protected from adjacent uses that could impact the continued operation of industrial uses. This may include strategies such as buffering with open spaces or a gradual transition from industrial to commercial to residential uses.

### Efficient Use of Land

- 12.1.4 Intensification and effective use of industrial lands will be encouraged.

### Impact Mitigation

- 12.1.5 Visual screening, including fencing and landscaping, of industrial developments may be required in high visibility locations or adjacent to other non-industrial uses.
- 12.1.6 A development proposal may be required to demonstrate that impacts such as noise, dust, vibration and visual clutter are contained within the boundary of the site.
- 12.1.7 Industrial developments should utilize best environmental and health and safety practices in managing solid and liquid waste storage, handling and disposal.

### Housing for Employees and PAH

- 12.1.8 ~~Where residential development is proposed in industrial areas, the Town should consider the following issues:~~ Housing within industrial areas may be considered by the Town but only within industrial areas south of the Trans-Canada Highway, and, only when the following requirements are met:
  - a. Residential uses are limited to housing for employees,
  - b. Impacts from industrial uses are sufficiently small to make residential uses appropriate,
  - c. Residential uses will not displace or inhibit the operation of existing or future industrial uses, and
  - d. Residential units are subordinate to the industrial uses.

## 5.1 TID TRANSITION INDUSTRIAL DISTRICT

### Purpose

To provide for a range of Light Manufacturing and other light industrial uses. Residential uses may be allowed in accordance with the list of “discretionary uses” when such uses are compatible with the light industrial purpose of the District.

#### 5.1.1 Permitted Uses

Accessory Building  
Automotive Sales and Rentals  
Contractor Service and Repair  
Printing Establishment  
Public Building  
Public Utility  
Veterinary Clinic

#### 5.1.2 Discretionary Uses

Administrative/Sales Office  
Arts and Craft Studio [2020-16]  
Athletic and Recreational Facility, Indoor  
Athletic and Recreational Facility, Outdoor  
Brewery/Distillery  
Dwelling Unit (above the ground floor)  
Eating and Drinking Establishment  
Educational Institution  
Employee Housing (above the ground floor)  
Light Manufacturing  
Logging Operation  
Lumber Yard  
Office (above the ground floor)  
Recycling Depot  
Retail Sales  
Wholesale Sales

#### 5.1.3 Regulations

- 5.1.3.1 The minimum site area shall be 550.0 m<sup>2</sup>.
- 5.1.3.2 The minimum site width shall be 15.0 m.
- 5.1.3.3 The maximum FAR shall be 1.0.
- 5.1.3.4 The maximum building height shall be 11.0 m with a maximum eaveline height of 7.0 m.
- 5.1.3.5 The minimum front yard setback shall be 6.0 m.
- 5.1.3.6 The minimum side yard setback shall be zero except where a side yard abuts a residential district or a public roadway, in which case, the minimum side yard setback shall be 3.0 m.
- 5.1.3.7 The minimum rear yard setback shall be zero except where a rear yard abuts a residential district or a public roadway, in which case the minimum rear yard setback shall be 3.0 m.

## Excerpt from Revised Land Use Bylaw 2018-22

**5.1.4 Additional Requirements**

- 5.1.4.1 Development within this District shall comply with Section 11: Community Architectural and Urban Design Standards.
- 5.1.4.2 Where contemplated, Office developments shall be located above the ground floor of buildings.
- 5.1.4.3 Sidewalk and landscaping shall be incorporated into front yards.
- 5.1.4.4 Electrical and mechanical equipment located on rooftops shall be enclosed and screened so as not to be visible from public sidewalks and residential areas.
- 5.1.4.5 Buildings shall have a roof pitch with a minimum of 6:12 slope, or other roof treatment acceptable to the Development Authority. Dormers or other similar features that break up the roofline shall be provided.
- 5.1.4.6 Metal clad or sided buildings shall utilize non-reflective materials and colors, to the satisfaction of the Development Authority.
- 5.1.4.7 The front façade shall include natural finishing materials such as timber, river rock, rundle stone, or brick, to the satisfaction of the Development Authority.
- 5.1.4.8 Finishing colors for buildings shall include natural and earth tones with complementary trim colors.
- 5.1.4.9 A minimum of 10% of a site shall be landscaped, predominantly in the front yard.
- 5.1.4.10 Outdoor Storage, including the storage of trucks and trailers, may be allowed to the side or rear of buildings provided that:
- Such storage areas do not encroach into any required minimum yards;
  - The storage is visually screened from public thoroughfares; and
  - All storage is related to the business or industry on the site.
- 5.1.4.11 Garbage and waste material shall be stored in weatherproof and animal-proof containers and shall be visually screened from all adjacent sites and public thoroughfares.

**5.1.5 Employee Housing Dwelling Unit Provisions**

- 5.1.5.1 ~~Employee Housing may be considered and approved in this District, only when located above the ground floor of a building and when the following issues can be addressed to the satisfaction of the Development Authority:~~
- ~~Adequate long term and legally binding provisions are in place to ensure the Dwelling Units remain as bona fide Employee Housing and are demonstrably subordinate in terms of area and intensity to other uses in the building;~~
  - ~~The space proposed for Employee Housing units would not be reasonably used for commercial or industrial purposes;~~
  - ~~The Employee Housing units are appropriate in design for Employee Housing, particularly with respect to the unit size;~~
  - ~~Employee Housing units would not constrain any future permitted or discretionary, commercial or industrial uses from developing on the site or on surrounding areas;~~
  - ~~Impacts of existing industrial development in the area, including the adjacent CP Rail line, would not unduly interfere with Employee Housing units; and~~

## Excerpt from Revised Land Use Bylaw 2018-22

- ~~f. — Outdoor Amenity Space such as balconies can be provided as part of the Employee Housing while meeting all of the above-described requirements in regard to impacts to or from adjacent industrial uses.~~

5.1.5.1 Dwelling Units shall meet the following maximum unit size criteria:

- a. Bachelor - 37.0 m<sup>2</sup>
- b. One bedroom - 51.0 m<sup>2</sup>
- c. Two bedroom - 65.0 m<sup>2</sup>
- d. Three bedroom - 84.0 m<sup>2</sup>

5.1.5.2 Dwelling Units shall be located above the ground floor.

5.1.5.3 Dwelling Units shall be integrated into the development.

5.1.5.4 A maximum of 30% of the total GFA of the building(s) on site may be used for Dwelling Unit purposes.

5.1.5.5 Dwelling Units shall be designed to reduce exterior noise and vibration from adjacent uses. All Dwelling Units shall be designed so that noise levels from adjacent uses do not exceed 35dBA (Leq) in bedrooms and 40dBA (Leq) in all other living spaces. Development Permit applications shall include a professionally prepared acoustical report to confirm compliance with this requirement.

RFD Submitted September 3, 2024

## 5.2 IND 1 LIGHT INDUSTRIAL DISTRICT

### Purpose

The purpose of this district is to provide for a limited range of industrial uses which are located adjacent to arterial roads or residential areas and which have a high standard of architectural appearance. Non-industrial uses are appropriate only in the limited circumstances and locations where such uses do not displace industrial uses or utilize land or buildings with potential for light industrial development.

### 5.2.1 Permitted Uses

- Accessory Building
- Arts and Craft Studio [2020-16]
- Brewery/Distillery
- Contractor Service and Repair
- Industrial Operation
- Laboratory
- Laundry Facility, Industrial
- Light Manufacturing
- Open Space
- Public Building

### 5.2.2 Discretionary Uses

- Administrative/Sales Office
- Agriculture, Intensive
- Athletic and Recreation Facility, Indoor
- Automotive and Equipment Repair
- Automotive Sales and Rentals
- Car Wash
- Eating and Drinking Establishment
- Educational Institution
- ~~Employee Housing (above the ground floor)~~
- Industrial Sale and Rental
- Kennel
- Logging Operation
- Lumber Yard
- Office (above the ground floor with a GFA up to 250m<sup>2</sup>)
- Outdoor Storage
- Pet Care Facility
- Printing Establishment
- Recycling Depot
- Retail Sales
- Storage Facility
- Transportation Terminal
- Trucking Establishment
- Warehouse
- Wholesale Sales

## Excerpt from Revised Land Use Bylaw 2018-22

**5.2.3 Regulations**

- 5.2.3.1 The minimum lot area shall be 557 m<sup>2</sup>.
- 5.2.3.2 The minimum lot width shall be 15.0 m.
- 5.2.3.3 The minimum front yard setback shall be 15.0 m adjacent to Bow Valley Trail and 7.5 m on all other sites.
- 5.2.3.4 The minimum side yard setback shall be 3.0 m abutting any residential district; 3.0 m on the street side of a corner site; and zero at other locations.
- 5.2.3.5 The minimum rear yard setback shall be zero except where the site abuts a residential district, where the minimum rear yard setback shall be 6.0 m.
- 5.2.3.6 The maximum building height shall be 11.0 m.

**5.2.4 Additional Regulations**

- 5.2.4.1 Where provided, ~~Employee Housing units and~~ Office uses shall be located above the ground floor of buildings.
- 5.2.4.2 An Eating and Drinking Establishment may be considered and approved in this District where the proposed location is not generally suitable for industrial uses.
- 5.2.4.3 The maximum GFA of an Eating and Drinking Establishment shall be 93 m<sup>2</sup>.
- 5.2.4.4 In order to ensure that this District meets its purpose as a light industrial area, non-industrial uses will only be approved where such uses do not displace current industrial uses nor utilize land or buildings with potential light industrial development.
- 5.2.4.5 Environmental Issues
  - a. The applicant shall supply to the Development Officer, at the time of application for a Development Permit, relevant information describing any noxious, dangerous, or offensive feature of the proposed development in relation to airborne pollutants or odors, and release of any toxic, radioactive or environmentally hazardous materials
  - b. A storage vessel with a volume exceeding 7,570 litres and which contains liquefied petroleum products shall:
    - i. meet all applicable Federal or Provincial safety standards;
    - ii. be set back at least 15.0 m from all property lines; and
    - iii. be at least 121 m from any place used or which may be used for public assembly and residential areas.
- 5.2.4.6 Landscaping and Screening
  - a. Outdoor Storage shall be screened and fenced to the satisfaction of the Development Authority.
  - b. A Kennel or Pet Care Facility shall be designed, constructed and operated in a manner to prevent a nuisance to any residential area in regard to such factors as noise, odours and waste.
  - c. All outdoor areas for the purpose of conducting Industrial Operations, storage areas, and waste handling areas shall be screened from roadways and park areas to the satisfaction of the Development Authority.
  - d. Development on all sites adjacent to a residential district shall be screened from the view of the residential district, to the satisfaction of the Development Authority.

## Excerpt from Revised Land Use Bylaw 2018-22

- e. All apparatus on the roof shall be screened to the satisfaction of the Development Authority.

**5.2.5 Employee Housing Provisions**

- ~~5.2.5.1—Employee Housing may be considered and approved in this District only when located above the ground floor of a building and when the following issues can be addressed to the satisfaction of the Development Authority:~~
- ~~a. Adequate long-term and legally-binding provisions are in place to ensure the units remain as bona fide Employee Housing and are demonstrably subordinate in terms of area and intensity to other uses in the building.~~
  - ~~b. The space proposed for Employee Housing would not be reasonably used for commercial or industrial purposes.~~
  - ~~c. The Employee Housing units are appropriate in design for Employee Housing, particularly with respect to the unit size.~~
  - ~~d. Employee Housing units would not constrain any future permitted or discretionary, commercial or industrial uses from developing on the site or on surrounding areas.~~
  - ~~e. Employee Housing would not unduly interfere with existing and any potential industrial development in the area.~~
  - ~~f. Outdoor Amenity Space such as balconies may be provided as part of the Employee Housing while meeting all of the above-described requirements in regard to impacts to or from adjacent industrial uses.~~

## 5.3 IND 2 GENERAL INDUSTRIAL DISTRICT

### Purpose

The purpose of this District is to provide for a range of industrial uses which allow for intensive and efficient use of Canmore's industrial land base in accordance with policies in the Municipal Development Plan. Non-industrial uses are appropriate only in the limited circumstances and locations where such uses do not displace current industrial uses or utilize land or buildings with potential for general industrial development.

### 5.3.1 Permitted Uses

Accessory Building  
 Arts and Craft Studio [2020-16]  
 Brewery/Distillery  
 Contractor Service and Repair  
 Laboratory  
 Laundry Facility, Industrial  
 Light Manufacturing  
 Lumber Yard  
 Public Building  
 Warehouse

### 5.3.2 Discretionary Uses

Administrative/Sales Office  
 Agriculture, Intensive  
 Athletic and Recreational Facility, Indoor  
 Automotive and Equipment Repair  
 Automotive Sales and Rentals  
 Bulk Fuel Station  
 Car Wash  
 Crematorium  
 Eating and Drinking Establishment  
 Educational Institution  
~~Employee Housing~~  
 Industrial Sales and Rentals  
 Kennel  
 Logging Operation  
 Office (above the ground floor) [2022-24]  
 Open Space  
 Outdoor Storage  
 Pet Care Facility  
 Printing Establishment  
 Recycling Depot  
 Retail Sales  
 Storage Facility  
 Transportation Terminal  
 Trucking Establishment



## Excerpt from Revised Land Use Bylaw 2018-22

**5.3.3 Regulations**

- 5.3.3.1 The minimum lot area shall be 557 m<sup>2</sup>.
- 5.3.3.2 The minimum lot width shall be 15.0 m.
- 5.3.3.3 The minimum front yard setback shall be 15.0 m adjacent to Bow Valley Trail and 7.5 m on all other sites.
- 5.3.3.4 The minimum side yard setback shall be 3.0 m abutting any residential district; 3.0 m on the street side of a corner site; and zero at other locations,
- 5.3.3.5 The minimum rear yard setback shall be zero except where the site abuts a residential district, in which the minimum rear yard setback shall be 6.0 m.
- 5.3.3.6 The maximum building height shall be 11.0 m.

**5.3.4 Restrictions on Non-Industrial Uses and Developments**

- 5.3.4.1 In order to ensure that this District meets its purpose as a general industrial area, non-industrial uses will only be approved where such uses do not displace current industrial uses nor utilize land or buildings with potential development for general industrial purposes.

**5.3.5 Additional Regulations**

- 5.3.5.1 The maximum GFA of an Automotive Sales and Rentals development shall be 4,000 m<sup>2</sup>.
- 5.3.5.2 An Eating and Drinking Establishment may be considered and approved in this District only where the proposed location is not generally suitable for industrial uses.
- 5.3.5.3 The maximum GFA of an Eating and Drinking Establishment shall be 93.0 m<sup>2</sup>.
- 5.3.5.4 An Office development shall only be located above the ground floor of a building. [2022-24]
- 5.3.5.5 Environmental Issues
  - a. At the discretion of the Development Authority, uses which involve the storage of hazardous materials may be considered where the Authority is satisfied contaminants can be safely contained on site.
  - b. Industrial uses which emit airborne pollutants or noxious odours or which have unacceptable fire or explosive risks shall not be allowed within this District.
  - c. An application for approval of a use employing flammable chemical materials must be accompanied by the plan approved by the Provincial Fire Marshall.
  - d. A storage vessel with a volume exceeding 7,570 litres and which contains liquefied petroleum products shall:
    - i. Meet all applicable Federal or Provincial safety standards;
    - ii. Be set back at least 15.0 m from all property lines; and
    - iii. Be at least 121 m from any place used or which may be used for public assembly such as schools, Hospitals, theatres, and residential areas.
- 5.3.5.6 Landscaping and Screening
  - a. Outdoor Storage shall be screened and fenced to the satisfaction of the Development Authority.
  - b. A Kennel or Pet Care Facility shall have adequate separation from residential areas and must be designed, constructed and operated in a manner to prevent a nuisance to any residential area in regard to such factors as noise, odours and waste.

## Excerpt from Revised Land Use Bylaw 2018-22

- c. The front yard setbacks shall not apply to freestanding or projecting Signs.
- d. All outdoor areas for the purpose of conducting Industrial Operations, storage areas, and waste handling areas shall be screened from view from roadways and park reserves, to the satisfaction of the Development Authority.
- e. Development on all sites adjacent to a residential district shall be screened from the view of the residential district, to the satisfaction of the Development Authority.
- f. All apparatus on the roof shall be screened to the satisfaction of the Development Authority.

**~~5.3.6 Employee Housing Provisions~~**

~~5.3.6.1 Employee Housing may be considered and approved in this District, only when located above the ground floor of a building and when the following issues can be addressed to the satisfaction of the Development Authority:~~

- ~~a. Adequate long-term and legally-binding provisions are in place to ensure the units remain as bona fide Employee Housing and are demonstrably subordinate in terms of area and intensity to other uses in the building.~~
- ~~b. The space proposed for Employee Housing would not be reasonably used for commercial or industrial purposes.~~
- ~~c. The Employee Housing units are appropriate in design for Employee Housing, particularly with respect to the unit size.~~
- ~~d. Employee Housing units would not constrain any future permitted or discretionary, commercial or industrial uses from developing on the site or on surrounding areas.~~
- ~~e. Employee Housing would not unduly interfere with existing and any potential industrial development in the area.~~
- ~~f. Outdoor Amenity Space such as balconies may be provided as part of the Employee Housing while meeting all of the above-described requirements in regard to impacts to or from adjacent industrial uses.~~

## 5.4 SB SOUTHERN BUSINESS DISTRICT

### Purpose

To be a gateway to the community and provide for a range of Light Manufacturing and other light industrial uses. To be a gateway to the community and provide for a range of commercial and light industrial uses. Residential uses may be allowed in accordance with the list of discretionary uses, when such uses are compatible with the purpose of the District.

### 5.4.1 Permitted Uses

Accessory Building  
 Arts and Craft Studio [2020-16]  
 Brewery/Distillery  
 Contractor Service and Repair  
 Essential Public Service  
 Laboratory  
 Laundry Facility, Industrial  
 Light Manufacturing  
 Open Space  
 Transportation Terminal  
 Veterinary Clinic

### 5.4.2 Discretionary Uses

Administrative/Sales Office  
 Airport [2020-16]  
 Athletic and Recreation Facility, Indoor  
 Automotive and Equipment Repair  
 Automotive Sales and Rentals  
 Car Wash  
 Dwelling Unit (above the ground floor)  
 Eating and Drinking Establishment  
 Educational Institution  
 Employee Housing  
 Funeral Home  
 Gas Bar and Service Station  
 Industrial Operation  
 Kennel  
 Logging Operation  
 Office  
 Outdoor Storage  
 Pet Care Facility  
 Retail Sales

### 5.4.3 Regulations

- 5.4.3.1 The minimum lot area shall be 1,000.0 m<sup>2</sup>.
- 5.4.3.2 The front yard setback shall be 4.5 m.
- 5.4.3.3 Development shall be setback from the Trans Canada highway by a minimum of 15.0 m.

## Excerpt from Revised Land Use Bylaw 2018-22

5.4.3.4 Development shall be setback from a roadway by a minimum of 3.0 m.

5.4.3.5 The maximum building height shall be 11.0 m with a maximum eave line height of 8.0 m.

### 5.4.4 Use-Specific Regulations

5.4.4.1 Outdoor Storage shall only be approved where, in the opinion of the Development Authority, the storage area would not be visible from the Bow Valley Trail or the Trans-Canada Highway.

5.4.4.2 A use accessory to any permitted or discretionary use may be approved so long as it does not exceed a maximum GFA of 200 m<sup>2</sup>.

5.4.4.3 Notwithstanding 5.4.5.4, where a development is approved for Automotive Sales and Rentals, display of vehicles in the front yard may be permitted. In these instances the majority of vehicles should be in the rear or side yard.

5.4.4.4 The maximum GFA of a Retail Sales development shall be 150 m<sup>2</sup>. Where an application is made for Retail Sales and its primary purpose is to provide a service to visitors, a total GFA may be permitted up to a maximum of 300 m<sup>2</sup>. [2021-24]

### 5.4.5 Special Regulations

5.4.5.1 The minimum first floor ceiling height shall be  $\geq 5.0$  m. [2021-24]

5.4.5.2 Areas approved for Outdoor Storage must be paved and include adequate drainage facilities to the satisfaction of the Development Authority.

5.4.5.3 All developments adjacent to the Trans-Canada Highway must be visually screened with landscaping.

5.4.5.4 For developments fronting on Bow Valley Trail, parking spaces are not permitted between the building(s) and Bow Valley Trail.

5.4.5.5 Design of site and buildings shall conform to the Landscaping (Subsection 11.4.3) and Materials and Colours (Subsection 11.5.7) sections of Section 11: Community Architectural and Urban Design Standards.

### 5.4.6 ~~Employee Housing Dwelling Unit Provisions~~

~~5.4.6.1 Employee Housing may be considered and approved in this District, only when located above the ground floor of a building and when the following issues can be addressed to the satisfaction of the Development Authority:~~

~~a. Adequate long term and legally binding provisions are in place to ensure the Dwelling Units remain as bona fide Employee Housing and are demonstrably subordinate in terms of area and intensity to other uses in the building;~~

~~b. The space proposed for Employee Housing units would not be reasonably used for commercial or industrial purposes;~~

~~c. The Employee Housing units are appropriate in design for Employee Housing, particularly with respect to the unit size;~~

~~d. Employee Housing units would not constrain any future permitted or discretionary, commercial or industrial uses from developing on the site or on surrounding areas;~~

~~e. Impacts of existing industrial development in the area, including the adjacent CP Rail line, would not unduly interfere with Employee Housing units; and~~

## Excerpt from Revised Land Use Bylaw 2018-22

- f. ~~Outdoor Amenity Space such as balconies can be provided as part of the Employee Housing while meeting all of the above-described requirements in regard to impacts to or from adjacent industrial uses.~~
- 5.4.6.2 ~~Employee Housing shall be restricted for the exclusive use of employees as defined in Section 13: Definitions, to the satisfaction of the Development Authority.~~
- 5.4.6.3 ~~Employee Housing shall meet the following maximum unit size criteria:~~
- a. ~~Bachelor - 37.0 m<sup>2</sup>~~
  - b. ~~One bedroom - 51.0 m<sup>2</sup>~~
  - c. ~~Two bedroom - 65.0 m<sup>2</sup>~~
  - d. ~~Three bedroom - 84.0 m<sup>2</sup>~~
  - e. ~~The total unit size for Employee Housing in Common Amenity Housing style development is 35 m<sup>2</sup>/bedroom. [2020-16]~~
- 5.4.6.4 ~~Employee Housing shall be located above the ground floor.~~
- 5.4.6.5 ~~Employee Housing shall be integrated into the development.~~
- 5.4.6.6 ~~A maximum of 30% of the total GFA of the building(s) on site may be used for Employee Housing purposes.~~
- 5.4.6.7 ~~Employee Housing units shall be designed to reduce exterior noise and vibration from adjacent uses. All Employee Housing units shall be designed so that noise levels from adjacent uses do not exceed 35dBA (Leq) in bedrooms and 40dBA (Leq) in all other living spaces. Development Permit applications shall include a professionally prepared acoustical report to confirm compliance with this requirement.~~
- 5.4.6.1 Dwelling Units shall meet the following maximum unit size criteria:
- a. Bachelor - 37.0 m<sup>2</sup>
  - b. One bedroom - 51.0 m<sup>2</sup>
  - c. Two bedroom - 65.0 m<sup>2</sup>
  - d. Three bedroom - 84.0 m<sup>2</sup>
- 5.4.6.2 Dwelling Units shall be located above the ground floor.
- 5.4.6.3 Dwelling Units shall be integrated into the development.
- 5.4.6.4 A maximum of 30% of the total GFA of the building(s) on site may be used for Dwelling Unit purposes.
- 5.4.6.5 Dwelling Units shall be designed to reduce exterior noise and vibration from adjacent uses. All Dwelling Units shall be designed so that noise levels from adjacent uses do not exceed 35dBA (Leq) in bedrooms and 40dBA (Leq) in all other living spaces. Development Permit applications shall include a professionally prepared acoustical report to confirm compliance with this requirement.



## BYLAW 2024-07

### A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, TO AMEND TOWN OF CANMORE MUNICIPAL DEVELOPMENT PLAN BYLAW 2016-03

The Council of the Town of Canmore, in the Province of Alberta, duly assembled, enacts as follows:

#### TITLE

- 1 This bylaw shall be known as “Town of Canmore Municipal Development Plan Amendment 2024-07 – Discouraging Employee Housing in Industrial Areas.”

#### INTERPRETATION

- 2 Words defined in Bylaw 2016-03 shall have the same meaning when used in this bylaw.

#### AMENDS BYLAW 2016-03

- 3 Town of Canmore Municipal Development Plan Bylaw 2016-03 is amended by this bylaw.
- 4 Section 2.2 is amended by striking out “Any residential or commercial uses are ancillary to the primary industrial function of these areas.”
- 5 Section 5.3.1 is repealed and the following is substituted:
 

5.3.1 “Housing for employees within industrial areas north of the Trans-Canada Highway shall not be supported by the Town. Housing for employees within industrial areas south of the Trans-Canada Highway may be considered by the Town when it does not compromise the primary industrial use of the area and meets the requirements of Section 12.1.8.”
- 6 Section 5.3.4 is amended by inserting “Excluding industrial areas north of the Trans-Canada Highway,” before “Private initiatives to create additional seasonal and permanent employee housing opportunities should be supported by the Town.”
- 7 Section 12.1.8 is amended by striking out “Where residential development is proposed in industrial areas, the Town should consider the following issues:” and inserting “Housing within industrial areas may be considered by the Town but only within industrial areas south of the Trans-Canada Highway, and, only when the following requirements are met:”

#### ENACTMENT/TRANSITION

- 8 If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.
- 9 This bylaw comes into force on the date it is passed.

FIRST READING: July 2, 2024

PUBLIC HEARING:

SECOND READING:

THIRD READING:

Approved on behalf of the Town of Canmore:

\_\_\_\_\_  
Sean Krausert  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Cheryl Hyde  
Manager, Municipal Clerk's Office

\_\_\_\_\_  
Date

RFD Submitted September 3, 2024

Bylaw approved by: \_\_\_\_\_



## BYLAW 2024-08

### A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, TO AMEND REVISED LAND USE BYLAW 2018-22

---

The Council of the Town of Canmore, in the Province of Alberta, duly assembled, enacts as follows:

#### TITLE

- 1 This bylaw shall be known as “Revised Land Use Bylaw Amendment 2024-08 – Removal of Employee Housing from Industrial Districts.”

#### INTERPRETATION

- 2 Words defined in Bylaw 2018-22 shall have the same meaning when used in this bylaw.

#### AMENDS BYLAW 2018-22

- 3 Revised Land Use Bylaw 2018-22 is amended by this bylaw.
- 4 Section 5.1 Purpose is amended by adding “Residential uses may be allowed in accordance with the list of “discretionary uses” when such uses are compatible with the light industrial purpose of the District.”
- 5 Section 5.1.2 is amended by striking out “Employee Housing (above the ground floor) and inserting “Dwelling Unit (above the ground floor)”.
- 6 Section 5.1.5 is amended by striking out “Employee Housing” and substituting “Dwelling Unit”.
- 7 Section 5.1.5.1 is repealed and the following is substituted:

5.1.5.1 Dwelling Units shall meet the following maximum unit size criteria:

- a. Bachelor - 37.0 m<sup>2</sup>
- b. One bedroom - 51.0 m<sup>2</sup>
- c. Two bedroom - 65.0 m<sup>2</sup>
- d. Three bedroom - 84.0 m<sup>2</sup>

5.1.5.2 Dwelling Units shall be located above the ground floor.

5.1.5.3 Dwelling Units shall be integrated into the development.

5.1.5.4 A maximum of 30% of the total GFA of the building(s) on site may be used for Dwelling Unit purposes.

5.1.5.5 Dwelling Units shall be designed to reduce exterior noise and vibration from adjacent uses. All Dwelling Units shall be designed so that noise levels from adjacent uses do not exceed 35dBA (Leq) in bedrooms and 40dBA (Leq) in all other living spaces. Development Permit



applications shall include a professionally prepared acoustical report to confirm compliance with this requirement.

- 8 Section 5.2.2 is amended by striking out “Employee Housing (above the ground floor)”.
- 9 Section 5.2.4.1 be amended by striking out “Employee Housing units and”.
- 10 Section 5.2.5 and section 5.2.5.1 are repealed.
- 11 Section 5.3.2 is amended by striking out “Employee Housing”.
- 12 Section 5.3.6 and section 5.3.6.1 are repealed.
- 13 Section 5.4 Purpose is amended by striking out “To be a gateway to the community and provide for a range of Light Manufacturing and other light industrial uses.” and substituting ““To be a gateway to the community and provide for a range of commercial and light industrial uses. Residential uses may be allowed in accordance with the list of discretionary uses, when such uses are compatible with the purpose of the District.”
- 14 Section 5.4.2 is amended by striking out “Employee Housing and by inserting “Dwelling Unit (above the ground floor)”.
- 15 Section 5.4.6 is amended by striking out “Employee Housing” and substituting “Dwelling Unit”.
- 16 Section 5.4.6.1 is repealed and the following is substituted:
- 5.4.6.1 Dwelling Units shall meet the following maximum unit size criteria:
- a. Bachelor - 37.0 m<sup>2</sup>
  - b. One bedroom - 51.0 m<sup>2</sup>
  - c. Two bedroom - 65.0 m<sup>2</sup>
  - d. Three bedroom - 84.0 m<sup>2</sup>”
- 17 Section 5.4.6.2 is repealed and the following is substituted:
- 5.4.6.2 Dwelling Units shall be located above the ground floor.
- 18 5.4.6.3 is repealed and the following is substituted:
- 5.4.6.3 Dwelling Units shall be integrated into the development.
- 19 Section 5.4.6.4 is repealed and the following is substituted:
- 5.4.6.4 A maximum of 30% of the total GFA of the building(s) on site may be used for Dwelling Unit purposes.

20 Section 5.4.6.5 is repealed and the following is substituted:

5.4.6.5 Dwelling Units shall be designed to reduce exterior noise and vibration from adjacent uses. All Dwelling Units shall be designed so that noise levels from adjacent uses do not exceed 35dBA (Leq) in bedrooms and 40dBA (Leq) in all other living spaces. Development Permit applications shall include a professionally prepared acoustical report to confirm compliance with this requirement.”

21 Section 5.4.6.6 is repealed.

**ENACTMENT/TRANSITION**

22 If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.

23 This bylaw comes into force on the date it is passed.

FIRST READING: July 2, 2024

PUBLIC HEARING:

SECOND READING:

THIRD READING:

Approved on behalf of the Town of Canmore:

\_\_\_\_\_  
Sean Krausert  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Cheryl Hyde  
Manager, Municipal Clerk's Office

\_\_\_\_\_  
Date

RFD Submitted September 3, 2024



## BYLAW 2024-07

### A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, TO AMEND TOWN OF CANMORE MUNICIPAL DEVELOPMENT PLAN BYLAW 2016-03

---

The Council of the Town of Canmore, in the Province of Alberta, duly assembled, enacts as follows:

#### TITLE

- 1 This bylaw shall be known as “Town of Canmore Municipal Development Plan Amendment 2024-07 – Discouraging Employee Housing in Industrial Areas.”

#### INTERPRETATION

- 2 Words defined in Bylaw 2016-03 shall have the same meaning when used in this bylaw.

#### AMENDS BYLAW 2016-03

- 3 Town of Canmore Municipal Development Plan Bylaw 2016-03 is amended by this bylaw.
- 4 Section 2.2 is amended by striking out “Any residential or commercial uses are ancillary to the primary industrial function of these areas.”
- 5 Section 5.3.1 is repealed and the following is substituted:
 

5.3.1 “Housing for employees within industrial areas north of the Trans-Canada Highway shall not be supported by the Town. Housing for employees within industrial areas south of the Trans-Canada Highway may be considered by the Town when it does not compromise the primary industrial use of the area and meets the requirements of Section 12.1.8.”
- 6 Section 5.3.4 is amended by inserting “Excluding industrial areas north of the Trans-Canada Highway,” before “Private initiatives to create additional seasonal and permanent employee housing opportunities should be supported by the Town.”
- 7 Section 12.1.8 is amended by striking out “Where residential development is proposed in industrial areas, the Town should consider the following issues:” and inserting “Housing within industrial areas may be considered by the Town but only within industrial areas south of the Trans-Canada Highway, and, only when the following requirements are met:”

#### ENACTMENT/TRANSITION

- 8 If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.
- 9 This bylaw comes into force on the date it is passed.

FIRST READING: July 2, 2024

PUBLIC HEARING: September 3, 2024

SECOND READING:

THIRD READING:

Approved on behalf of the Town of Canmore:

\_\_\_\_\_  
Sean Krausert  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Cheryl Hyde  
Manager, Municipal Clerk's Office

\_\_\_\_\_  
Date



## BYLAW 2024-08

### A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, TO AMEND REVISED LAND USE BYLAW 2018-22

---

The Council of the Town of Canmore, in the Province of Alberta, duly assembled, enacts as follows:

#### TITLE

- 1 This bylaw shall be known as “Revised Land Use Bylaw Amendment 2024-08 – Removal of Employee Housing from Industrial Districts.”

#### INTERPRETATION

- 2 Words defined in Bylaw 2018-22 shall have the same meaning when used in this bylaw.

#### AMENDS BYLAW 2018-22

- 3 Revised Land Use Bylaw 2018-22 is amended by this bylaw.
- 4 Section 5.1 Purpose is amended by adding “Residential uses may be allowed in accordance with the list of “discretionary uses” when such uses are compatible with the light industrial purpose of the District.”
- 5 Section 5.1.2 is amended by striking out “Employee Housing (above the ground floor) and inserting “Dwelling Unit (above the ground floor)”.
- 6 Section 5.1.5 is amended by striking out “Employee Housing” and substituting “Dwelling Unit”.
- 7 Section 5.1.5.1 is repealed and the following is substituted:

5.1.5.1 Dwelling Units shall meet the following maximum unit size criteria:

- a. Bachelor - 37.0 m<sup>2</sup>
- b. One bedroom - 51.0 m<sup>2</sup>
- c. Two bedroom - 65.0 m<sup>2</sup>
- d. Three bedroom - 84.0 m<sup>2</sup>

5.1.5.2 Dwelling Units shall be located above the ground floor.

5.1.5.3 Dwelling Units shall be integrated into the development.

5.1.5.4 A maximum of 30% of the total GFA of the building(s) on site may be used for Dwelling Unit purposes.

5.1.5.5 Dwelling Units shall be designed to reduce exterior noise and vibration from adjacent uses. All Dwelling Units shall be designed so that noise levels from adjacent uses do not exceed 35dBA (Leq) in bedrooms and 40dBA (Leq) in all other living spaces. Development Permit

applications shall include a professionally prepared acoustical report to confirm compliance with this requirement.

- 8 Section 5.2.2 is amended by striking out “Employee Housing (above the ground floor)”.
- 9 Section 5.2.4.1 be amended by striking out “Employee Housing units and”.
- 10 Section 5.2.5 and section 5.2.5.1 are repealed.
- 11 Section 5.3.2 is amended by striking out “Employee Housing”.
- 12 Section 5.3.6 and section 5.3.6.1 are repealed.
- 13 Section 5.4 Purpose is amended by striking out “To be a gateway to the community and provide for a range of Light Manufacturing and other light industrial uses.” and substituting ““To be a gateway to the community and provide for a range of commercial and light industrial uses. Residential uses may be allowed in accordance with the list of discretionary uses, when such uses are compatible with the purpose of the District.”
- 14 Section 5.4.2 is amended by striking out “Employee Housing and by inserting “Dwelling Unit (above the ground floor)”.
- 15 Section 5.4.6 is amended by striking out “Employee Housing” and substituting “Dwelling Unit”.
- 16 Section 5.4.6.1 is repealed and the following is substituted:
  - 5.4.6.1 Dwelling Units shall meet the following maximum unit size criteria:
    - a. Bachelor - 37.0 m2
    - b. One bedroom - 51.0 m2
    - c. Two bedroom - 65.0 m2
    - d. Three bedroom - 84.0 m2”
- 17 Section 5.4.6.2 is repealed and the following is substituted:
  - 5.4.6.2 Dwelling Units shall be located above the ground floor.
- 18 5.4.6.3 is repealed and the following is substituted:
  - 5.4.6.3 Dwelling Units shall be integrated into the development.
- 19 Section 5.4.6.4 is repealed and the following is substituted:
  - 5.4.6.4 A maximum of 30% of the total GFA of the building(s) on site may be used for Dwelling Unit purposes.

20 Section 5.4.6.5 is repealed and the following is substituted:

5.4.6.5 Dwelling Units shall be designed to reduce exterior noise and vibration from adjacent uses. All Dwelling Units shall be designed so that noise levels from adjacent uses do not exceed 35dBA (Leq) in bedrooms and 40dBA (Leq) in all other living spaces. Development Permit applications shall include a professionally prepared acoustical report to confirm compliance with this requirement.”

21 Section 5.4.6.6 is repealed.

**ENACTMENT/TRANSITION**

22 If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.

23 This bylaw comes into force on the date it is passed.

FIRST READING: July 2, 2024

PUBLIC HEARING: September 3, 2024

SECOND READING:

THIRD READING:

Approved on behalf of the Town of Canmore:

\_\_\_\_\_  
Sean Krausert  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Cheryl Hyde  
Manager, Municipal Clerk’s Office

\_\_\_\_\_  
Date



# Request for Decision

**DATE OF MEETING:** November 5, 2024 **Agenda #:** E 2

**TO:** Council

**SUBJECT:** Council Paid Medical, Family Caregiver, and Compassionate Care Leaves Policy

**SUBMITTED BY:** Johanna Sauvé, Manager of Human Resources

**RECOMMENDATION:** That Council approve the Paid Medical, Family Caregiver, and Compassionate Care Leaves for Members of Council Policy EX-010 as presented.

**EXECUTIVE SUMMARY**

Administration is bringing forward a Council Medical, Family Caregiver, and Compassionate Care Leave Policy as recommended.

**RELEVANT COUNCIL DIRECTION, POLICY, OR BYLAWS**

March 7, 2023	48-2023	Council directed administration to draft a terms of reference to establish a new committee to review council remuneration.
May 2, 2023	95-2023	Council Remuneration Review Committee Bylaw approved.
Oct. 24, 2023	254-2023	Council appointed public members to the Council Remuneration Committee.
June 18, 2024	129-2024	Council accepted the Council Remuneration Review Committee’s recommendations.
June 18, 2024	131-2024	Council directed administration to return to Council with options for a Council Medical Leave Policy.
October 1, 2024	208-2024	Council direct administration to return with a revised policy adding components of Family Caregiver Leave and Compassionate Care Leave, including renaming the proposed policy accordingly.

**DISCUSSION**

Subsequent to the work and recommendations of the Council Remuneration Review Committee, administration presented to Council a Medical Leaves Policy, along with a separate alternative to consider including Family Caregiver Leave, and Compassionate Care Leave within the policy, to align with the legislated job-protected leaves that are provided to employees.

Providing members of Council with temporary paid leaves that respect medical and family caregiving responsibilities aligns with the Council Remuneration Review Committee’s recognition that significant circumstances which may temporarily prevent members of Council from fulfilling their duties, need not be circumstances that will discourage members of the public from running for Council, or circumstances that should disqualify members of Council from fulfilling their term.



Section 174 of the Municipal Government Act states that a Councillor who is absent from all regular council meetings held during any 60-day period is disqualified from Council unless the absence is authorized by a resolution of council passed before the end of the 60 days, or if the absence is in accordance with a bylaw respecting maternity and parental leave for councillors. Enacting a policy for leaves outside of maternity and parental leaves clearly outlines the eligibility and terms for such leaves, provides a consistent application for compensation, approvals and timelines, and allows Council members to plan finances and obligations when the need for these leaves arise. This approved policy of Council does not eliminate the need for a motion of Council authorizing the absence, as outlined in item 12.

Key definitions in the attached policy include the following:

**Length of Leave:**

- Medical Leave for a period of up to 16 weeks due to personal illness or injury that prevents the councillor from carrying out their normal duties.
- Compassionate Care Leave for a period of up to 27 weeks to care for an immediate family member who has a serious medical condition and a significant risk of dying within six months.
- Family Caregiver Leave to care for an immediate family member for a period of
  - a) Up to 36 weeks for the critical illness of a child, or
  - b) Up to 16 weeks for the critical illness of an adult

**Other Terms and Conditions:**

- Unless unforeseen circumstances exist, a member must submit a request for leave prior to commencing leave.
- Unless circumstances prevent an ill or injured councillor from doing so, a Leave Agreement must be completed and approved by the mayor and chief administrative officer that includes:
  - The duties the councillor will not perform during the period of the leave.
  - Any duties the councillor intends to continue to perform during all or part of the leave.
  - Any workplace accommodations required by the councillor during or following the period of leave.
- Compensation is at 75% of the basic rate, in alignment with provisions for Town employees.
- All other terms of the Council Remuneration Policy continue to apply as described in the policy.
- This policy will be reviewed during the last year of each term of council.

**How the Municipality will continue to be represented during periods of leave:**

- The Member on leave may choose to continue to perform some duties during all or part of the leave. This may include attendance of council meetings, committee meetings, and events, at their discretion and with medical documentation supporting their participation, if needed.
- The mayor will arrange for coverage of tasks and duties that the Member will not continue to perform, including seeking council resolutions for committee and deputy mayor appointments, and notifying committees and affected parties of the leave and who will be providing interim coverage.

**ANALYSIS OF ALTERNATIVES**

None.

**FINANCIAL IMPACTS**

Administration believes that there will be no additional financial cost for implementation of the Council Medical, Family Caregiver, and Compassionate Care Leave Policy as council members are not backfilled when on a leave of absence.

**INTEREST HOLDER ENGAGEMENT**

The Council Remuneration Review Committee engaged current and former council members via survey to assess compensation needs and concerns, as well as the time commitments required to fulfill the role of municipal council in our community. The committee also considered other factors which may impact the decision of community members to run for Council.

**ATTACHMENTS**

- 1) Paid Medical, Family Caregiver, and Compassionate Care Leaves for Members of Council Policy EX-010

**AUTHORIZATION**

Submitted by:	Johanna Sauvé Manager of Human Resources	Date:	<u>October 20, 2024</u>
Approved by:	Chelsey Gibbons Manager of Finance	Date:	<u>October 17, 2024</u>
Approved by:	Therese Rogers General Manager of Corporate Services	Date:	<u>October 30, 2024</u>
Approved by:	Sally Caudill Chief Administrative Officer	Date:	<u>October 30, 2024</u>



## Council Policy

<b>Policy Title:</b>	Paid Medical, Family Caregiver, and Compassionate Care Leaves for Members of Council
<b>Policy Number:</b>	EX-010
<b>Date in Effect:</b>	November 5, 2024

### POLICY STATEMENT

- 1 It is the Town of Canmore's policy that members of council will be provided with paid Medical, Family Caregiver, and Compassionate Care Leaves that temporarily prevent a Member from fulfilling their normal council duties.

### PURPOSE

- 2 The purpose of this policy is to establish guidelines and procedures for paid Medical Family Caregiver, and Compassionate Care Leaves for members of council.
- 3 Should any part of this policy not meet at least the minimums required under the *Municipal Government Act*, the Act will prevail.

### DEFINITIONS

- 4 "Approved Leave" means a Medical Leave, Compassionate Care Leave, or Family Caregiver Leave approved by council motion.
- 5 "Compassionate Care Leave" means a paid leave of absence for a period of up to 27 weeks to care for an Immediate Family Member who has a serious medical condition and a significant risk of dying within six months.
- 6 "Family Caregiver Leave" means a paid leave of absence to care for an Immediate Family Member who is critically injured or ill and requires the care and support of one or more family members for a period of
  - a) Up to 36 weeks for the critical illness of a child, or
  - b) Up to 16 weeks for the critical illness of an adult.
- 7 "Immediate Family Member" means spouse, parent, child, sibling, parent-in-law, child-in-law, grandparent, and grandchild.
- 8 "Leave Agreement" means a written and signed agreement that outlines the commitments of the parties for the duration of the Approved Leave.
- 9 "Member" means an elected member of council.

Policy approved by: \_\_\_\_\_

- 10 “Medical Leave” means a paid leave of absence for a period of up to 16 weeks due to personal illness or injury that prevents a Member from carrying out their normal council duties.

**PARAMETERS**

- 11 A Member may apply for a Medical Leave, Family Caregiver Leave, or Compassionate Care Leave by submitting a written request to the mayor and chief administrative officer (CAO) that includes
- a) the start date of the leave,
  - b) the anticipated length of the leave, and
  - c) documentation supporting the leave
    - i) for Medical Leave, medical documentation must be provided that outlines the Member’s medical restrictions and abilities and the expected duration of the restrictions;
    - ii) for Family Caregiver Leave, a medical certificate must be provided that includes a statement that the person being cared for is critically ill or injured and needs the care and support of one or more family members;
    - iii) for Compassionate Care Leave, a medical certificate must be provided that includes a statement that the immediate family member has a serious medical condition and is at risk of dying within six months and needs the care and support of one or more family members.
- 12 A Medical Leave, Family Caregiver Leave, or Compassionate Care Leave must be authorized by council for the compensation outlined in this policy to apply.
- 13 Before commencing an Approved Leave or as soon as is reasonably practicable under the circumstances, unless a Member is not able to do so due to limited functional ability, the Member, the mayor, and the CAO must complete and sign a Leave Agreement that includes
- a) the duties the Member will not perform during the Approved Leave,
  - b) any duties the Member intends to continue to perform during all or part of the Approved Leave, and
  - c) any other accommodations required by the Member to balance their recovery and/or family support with their council duties during or following the Approved Leave.
- 14 The mayor and CAO may approve amendments to the Leave Agreement during the Approved Leave.
- 15 Council may, by resolution, approve an extension to an Approved Leave or grant a subsequent leave.

Policy approved by: \_\_\_\_\_

- 16 During the period in which a Member is on Approved Leave
- a) the Member may be absent from all council meetings, council committee meetings, and any other duties assigned to the Member by council or under the *Municipal Government Act*, including any responsibilities of the Member to residents and for representation of the Town;
  - b) the Member will not be disqualified from council for being absent from council meetings; and
  - c) the Member may attend council meetings, council committee meetings, and events at their discretion and if documentation from their medical care provider supports that they are able to safely participate, if needed.
- 17 A Member on Approved Leave will be remunerated at 75% of the basic rate as set out in the Council Remuneration Policy.
- 18 Notwithstanding Section 17, a Member on Approved Leave will continue to be eligible for all other amounts, expenses, and benefits as set out under the Council Remuneration Policy.

**RESPONSIBILITIES**

- 19 The mayor must
- a) arrange for coverage of the tasks and duties that the Member will not continue to perform, including seeking council resolutions for council committee and deputy mayor appointments, and
  - b) provide for notification of any committees or other affected parties of a Member's leave and who will be providing interim coverage.
- 20 The chief administrative officer must
- a) provide for the safekeeping of all records related to an Approved Leave, and
  - b) ensure the Member's remuneration is adjusted in accordance with section 17 while on Approved Leave.

**POLICY REVIEW**

- 21 This policy will be reviewed during the last year of the term of each council.
- 22 Council may request that this policy be included for review by the Council Remuneration Committee.

Policy approved by: \_\_\_\_\_

**AUTHORIZATION**

\_\_\_\_\_

Sean Krausert  
Mayor

\_\_\_\_\_

Cheryl Hyde  
Manager, Municipal Clerk's Office

**REVISION HISTORY**

Action	Date	Council Motion	Notes
Approved	2024.11.05		New policy.

Policy approved by: \_\_\_\_\_



# Request for Decision

**DATE OF MEETING:** November 5, 2024 **Agenda #: G 1**

**TO:** Council

**SUBJECT:** Revised Land Use Bylaw Amendment 2024-22 - Wildlife Exclusion Fencing

**SUBMITTED BY:** Harry Shnider, Manager, Planning and Development

**RECOMMENDATION:** That Council give second reading to Revised Land Use Bylaw Amendment 2024-22 - Wildlife Exclusion Fencing.

That Council give third reading to Revised Land Use Bylaw Amendment 2024-22 - Wildlife Exclusion Fencing.

## EXECUTIVE SUMMARY

The proposed amendment will permit the construction and maintenance of a Wildlife Exclusion Fence to implement Area Structure Plan policy and/or a capital project funded and led by the Province of Alberta, without the requirement to obtain a development permit.

In accordance with Council Motion 50-2024, Administration has prepared an amendment to the Land Use Bylaw that will facilitate the development of Wildlife Exclusion Fencing in accordance with approved Area Structure Plans, the approved 2024 Capital Project - Human Wildlife Coexistence Implementation 2024 (#7361), or any other future Wildlife Exclusion Fencing determined necessary by the Town or the Province of Alberta

## ATTACHMENTS

- 1) RFD from the October 1, 2024 Regular Meeting of Council
- 2) Revised Land Use Bylaw Amendment 2024-22 - Wildlife Exclusion Fencing
- 3) Revised Land Use Bylaw 2018-22 - REDLINE

## AUTHORIZATION

Approved by: Sally Caudill  
Chief Administrative Officer

Date: October 29, 2024



# Request for Decision

**DATE OF MEETING:** October 1, 2024 **Agenda #:** G 2

**TO:** Council

**SUBJECT:** Land Use Bylaw Amendment 2024-22 – Wildlife Exclusion Fencing

**SUBMITTED BY:** Harry Shnider, Manager, Planning and Development

**RECOMMENDATION:** That Council give first reading to Revised Land Use Bylaw Amendment 2024-22 – Wildlife Exclusion Fencing and schedule a public hearing for November 5, 2024.

## EXECUTIVE SUMMARY

The proposed amendment will permit the construction and maintenance of a Wildlife Exclusion Fence without the requirement to obtain a development permit.

## RELEVANT COUNCIL DIRECTION, POLICY, OR BYLAWS

On March 5, 2024, Council passed Motion 50-2024, directing administration to “prepare an amendment to the Land Use Bylaw that will facilitate the development of Wildlife Exclusion Fencing in accordance with approved Area Structure Plans, the approved 2024 Capital Project - Human Wildlife Coexistence Implementation 2024 (#7361), or any other future Wildlife Exclusion Fencing determined necessary by the Town or the Province of Alberta.”

## DISCUSSION

A proposed alignment and design of a Wildlife Exclusion Fence is currently being considered by the Province of Alberta, in consultation with Town Administration, for areas within the Three Sisters Village Area Structure Plan. As development proceeds within this ASP, and the Smith Creek ASP, the alignment of the Wildlife Exclusion Fence will expand as required.

Previous Wildlife Exclusion Fences installed by the Town were exempt from requiring a Development Permit through Section 1.9.0.1 (j) of the Land Use Bylaw. This subsection allows the Town to construct municipal projects on publicly owned or controlled land, however, the exemption does not extend to cover infrastructure approved by the Province of Alberta.

The proposed bylaw amendment includes a definition of Wildlife Exclusion Fence and exempts the construction and maintenance of a Wildlife Exclusion Fence from requiring a Development Permit where the lead approving agency is the Province of Alberta, as opposed to the Town.

## ANALYSIS OF ALTERNATIVES

None.

## FINANCIAL IMPACTS

There are no financial implications anticipated in association with the proposed revisions.



**INTEREST HOLDER ENGAGEMENT**

None.

**ATTACHMENTS**

- 1) Land Use Bylaw Amendment 2024-22
- 2) Redline of the Revised Land Use Bylaw 2018-22

**AUTHORIZATION**

Submitted by:	Harry Shnider, RPP, MCIP Manager of Planning and Development	Date:	<u>September 3, 2024</u>
Approved by:	Whitney Smithers General Manager of Municipal Infrastructure	Date:	<u>September 12, 2024</u>
Approved by:	Sally Caudill Chief Administrative Officer	Date:	<u>September 20, 2024</u>

RFD Submitted October 1, 2024



## BYLAW 2024-22

### A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, TO AMEND REVISED LAND USE BYLAW 2018-22

---

The Council of the Town of Canmore, in the Province of Alberta, duly assembled, enacts as follows:

#### TITLE

- 1 This bylaw shall be known as “Revised Land Use Bylaw Amendment 2024- 22 – Wildlife Exclusion Fencing.”

#### INTERPRETATION

- 2 Words defined in revised Land Use Bylaw 2018-22 shall have the same meaning when used in this bylaw.

#### PROVISIONS

- 3 Revised Land Use Bylaw 2018-22 is amended by this bylaw.
- 4 Section 1.9.0.1 Development Permits Not Required is amended by adding the following after subsection v.:
  - w. Construction and development of a Wildlife Exclusion Fence, as required by an Area Structure Plan or Area Redevelopment Plan, or under the jurisdiction of the Province of Alberta.
- 5 Section 13 Definitions is amended by adding the following:

Wildlife Exclusion Fence means a vertical physical barrier intended to limit access and movement of wildlife.

#### ENACTMENT/TRANSITION

- 6 If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.
- 7 This bylaw comes into force on the date it is passed.

FIRST READING:

PUBLIC HEARING:

SECOND READING:

THIRD READING:

Approved on behalf of the Town of Canmore:

\_\_\_\_\_  
Sean Krausert  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Cheryl Hyde  
Manager, Municipal Clerk's Office

\_\_\_\_\_  
Date

RFD Submitted October 1, 2024

Bylaw approved by: \_\_\_\_\_

## Excerpt from Revised Land Use Bylaw 2018-22

**1.9 DEVELOPMENT PERMITS NOT REQUIRED**

1.9.0.1 The following developments do not require a development Permit where the work proposed or development complies with all regulations of this Bylaw:

- a. Those uses exempted by the Act and regulations thereto.
- b. Works of maintenance, renovation, or repair on a structure, either internally or externally, if, in the opinion of the development officer, such work is consistent with any development Permits issued for the site, and does not include:
  - i. Structural alterations;
  - ii. Changes to the use or intensity of the use of the structure; and
  - iii. Multi-unit residential buildings and buildings within commercial Land Use districts, which do not, in the opinion of the development Authority, substantially change the exterior appearance of the building.
- c. The completion of a building which was lawfully under construction at the date this Bylaw comes into full force and effect, provided that:
  - i. the building is completed in accordance with the terms of any permit granted by the municipality, subject to the conditions of that permit; and
  - ii. the building, whether or not a permit was granted in respect of it, is completed in accordance with 1.12.0.1 or as otherwise specified in the development Permit or in the conditions of development approval. **[2021-24]**
- d. The use of any building referred to in subsection 1.9.0.1c for the purpose for which construction was commenced.
- e. The erection or installation of machinery and equipment needed in connection with construction of a building for which a development Permit has been issued, for the period of construction.
- f. The construction and maintenance of a Public Utility by the town placed in or upon a public thoroughfare or public utility easement provided any required authorizations have been obtained.
- g. The erection, construction, or the maintenance of pedestrian gates, fences, walls, or other means of enclosure less than 2.5 m in height.
- h. The installation and operation of a satellite dish antenna 1.0 m or less in diameter and the installation of tower antenna no more than 1.0 m higher than the maximum height of the principal building on site.
  - i. The installation of solar collectors or other energy collecting and storage devices, including geothermal or other subsurface works.
  - j. The use by the municipality of publicly owned or controlled land in connection with any municipal project and may without restricting the generality of the foregoing, include buildings, roads, traffic management projects, interchanges, vehicular and pedestrian bridges, water, gas, telephone and power installations, substations and pumping stations, water reservoirs, storm and sanitary sewer including treatment or related facilities, street furniture, street lighting, public recreational facilities, or similar facilities, works depots, parks, playgrounds, landscaping and streetscape improvement projects.

## Excerpt from Revised Land Use Bylaw 2018-22

- k. The construction, maintenance and repair of private walkways, pathways, landscaping and similar works. driveways are not excluded from requiring a development Permit unless they are approved by the town of Canmore as part of a valid Building Permit.
- l. Removal of trees or soil from a site or stockpiling of soil on a site when a development Permit or subdivision approval has been issued, and where a development Agreement has been duly executed for that site and said permit or agreement allows for or requires such activity.
- m. The digging of test holes requiring less than 6.0 m<sup>2</sup> in surface area for exploration purposes.
- n. The erection of a retaining wall that is no more than 1.0 m in height measured from the lowest ground elevation adjacent to the wall, and does not require a letter of engagement from a professional engineer as per the Engineering design and Construction Guidelines (EdCG). **[2020-16]**
- o. The construction of an Accessory Building located in a residential district.
- p. A change of use or interior renovations within an existing commercial or industrial building where the following requirements are met to the satisfaction of the development officer:
  - i. The change of use is from a Permitted or discretionary Use to a Permitted Use in the Land Use district applicable to the site; and
  - ii. the total GFA of the structure or structures constituting the development is less than 500 m<sup>2</sup>; and
  - iii. **[Repealed by 2023-18]**
  - iv. A Certificate of Conformance has been applied for and received from the development Authority that certifies that the proposed change of use conforms to the above clauses; and
  - v. the change is to a use that has required Employee Housing no greater than that of the use it is replacing; and
  - vi. the change of use is not located within a building or on a portion of a site identified to be in the steep Creek Hazard development overlay. **[2021-24]**
- q. Construction of, internal or external addition to, or demolition of a detached dwelling (with or without an Accessory dwelling Unit), manufactured dwelling, or duplex dwelling, where: **[2021-24]**
  - i. The total gross floor area of the structure or structures constituting the development is less than 500 m<sup>2</sup>; and
  - ii. The use is a Permitted Use, or for an external renovation or addition to an approved discretionary Use; and
  - iii. The construction complies with all provisions of this Bylaw; and
  - iv. **[Repealed by 2023-18]**
  - v. The development is not located in the steep Creek Hazard development overlay; and

## Excerpt from Revised Land Use Bylaw 2018-22

- vi. Where there are no off-site levies, local improvement levies, or municipal fees owing against the land, or where the present owner has entered into an agreement with the town for the payment of such levies or fees. **[2020-15]**
- r. An Accessory dwelling Unit, Attached or Accessory dwelling Unit, detached.
- s. Home occupation – Class 1.
- t. The installation of a sign that is compliant with all the regulations as set out in section 9: signage or is exempt as per section 9.14. **[2021-24]**
- u. The restoration, rehabilitation or reclamation of disturbed areas.
- v. The use of a dwelling Unit as a show Home. **[2021-24]**
- w. **Construction and development of a Wildlife Exclusion Fence, as required by an Area Structure Plan or Area Redevelopment Plan, or under the jurisdiction of the Province of Alberta.**

**SECTION 13 DEFINITIONS**

**Wildlife Exclusion Fence** means a vertical physical barrier intended to limit access and movement of wildlife.

RFD Submitted October 1, 2024



## BYLAW 2024-22

### A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, TO AMEND REVISED LAND USE BYLAW 2018-22

---

The Council of the Town of Canmore, in the Province of Alberta, duly assembled, enacts as follows:

#### TITLE

- 1 This bylaw shall be known as “Revised Land Use Bylaw Amendment 2024- 22 – Wildlife Exclusion Fencing.”

#### INTERPRETATION

- 2 Words defined in revised Land Use Bylaw 2018-22 shall have the same meaning when used in this bylaw.

#### PROVISIONS

- 3 Revised Land Use Bylaw 2018-22 is amended by this bylaw.
- 4 Section 1.9.0.1 Development Permits Not Required is amended by adding the following after subsection v.:

w. Construction and development of a Wildlife Exclusion Fence, as required by an Area Structure Plan or Area Redevelopment Plan, or under the jurisdiction of the Province of Alberta.

- 5 Section 13 Definitions is amended by adding the following:

Wildlife Exclusion Fence means a vertical physical barrier intended to limit access and movement of wildlife.

#### ENACTMENT/TRANSITION

- 6 If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.
- 7 This bylaw comes into force on the date it is passed.

FIRST READING: October 1, 2024

PUBLIC HEARING:

SECOND READING:

THIRD READING:

Approved on behalf of the Town of Canmore:

\_\_\_\_\_  
Sean Krausert  
Mayor

\_\_\_\_\_

Date

\_\_\_\_\_  
Cheryl Hyde  
Manager, Municipal Clerk's Office

\_\_\_\_\_

Date



## 1.9 DEVELOPMENT PERMITS NOT REQUIRED

1.9.0.1 The following developments do not require a development Permit where the work proposed or development complies with all regulations of this Bylaw:

- a. Those uses exempted by the Act and regulations thereto.
- b. Works of maintenance, renovation, or repair on a structure, either internally or externally, if, in the opinion of the development officer, such work is consistent with any development Permits issued for the site, and does not include:
  - i. Structural alterations;
  - ii. Changes to the use or intensity of the use of the structure; and
  - iii. Multi-unit residential buildings and buildings within commercial Land Use districts, which do not, in the opinion of the development Authority, substantially change the exterior appearance of the building.
- c. The completion of a building which was lawfully under construction at the date this Bylaw comes into full force and effect, provided that:
  - i. the building is completed in accordance with the terms of any permit granted by the municipality, subject to the conditions of that permit; and
  - ii. the building, whether or not a permit was granted in respect of it, is completed in accordance with 1.12.0.1 or as otherwise specified in the development Permit or in the conditions of development approval. **[2021-24]**
- d. The use of any building referred to in subsection 1.9.0.1c for the purpose for which construction was commenced.
- e. The erection or installation of machinery and equipment needed in connection with construction of a building for which a development Permit has been issued, for the period of construction.
- f. The construction and maintenance of a Public Utility by the town placed in or upon a public thoroughfare or public utility easement provided any required authorizations have been obtained.
- g. The erection, construction, or the maintenance of pedestrian gates, fences, walls, or other means of enclosure less than 2.5 m in height.
- h. The installation and operation of a satellite dish antenna 1.0 m or less in diameter and the installation of tower antenna no more than 1.0 m higher than the maximum height of the principal building on site.
- i. The installation of solar collectors or other energy collecting and storage devices, including geothermal or other subsurface works.
- j. The use by the municipality of publicly owned or controlled land in connection with any municipal project and may without restricting the generality of the foregoing, include buildings, roads, traffic management projects, interchanges, vehicular and pedestrian bridges, water, gas, telephone and power installations, substations and pumping stations, water reservoirs, storm and sanitary sewer including treatment or related facilities, street furniture, street lighting, public recreational facilities, or similar facilities, works depots, parks, playgrounds, landscaping and streetscape improvement projects.
- k. The construction, maintenance and repair of private walkways, pathways, landscaping and similar works. driveways are not excluded from requiring a development Permit unless they are approved by the town of Canmore as part of a valid Building Permit.

- l. Removal of trees or soil from a site or stockpiling of soil on a site when a development Permit or subdivision approval has been issued, and where a development Agreement has been duly executed for that site and said permit or agreement allows for or requires such activity.
- m. The digging of test holes requiring less than 6.0 m<sup>2</sup> in surface area for exploration purposes.
- n. The erection of a retaining wall that is no more than 1.0 m in height measured from the lowest ground elevation adjacent to the wall, and does not require a letter of engagement from a professional engineer as per the Engineering design and Construction Guidelines (EdCG). **[2020-16]**
- o. The construction of an Accessory Building located in a residential district.
- p. A change of use or interior renovations within an existing commercial or industrial building where the following requirements are met to the satisfaction of the development officer:
  - i. The change of use is from a Permitted or discretionary Use to a Permitted Use in the Land Use district applicable to the site; and
  - ii. the total GFA of the structure or structures constituting the development is less than 500 m<sup>2</sup>; and
  - iii. **[Repealed by 2023-18]**
  - iv. A Certificate of Conformance has been applied for and received from the development Authority that certifies that the proposed change of use conforms to the above clauses; and
  - v. the change is to a use that has required Employee Housing no greater than that of the use it is replacing; and
  - vi. the change of use is not located within a building or on a portion of a site identified to be in the steep Creek Hazard development overlay. **[2021-24]**
- q. Construction of, internal or external addition to, or demolition of a detached dwelling (with or without an Accessory dwelling Unit), manufactured dwelling, or duplex dwelling, where: **[2021-24]**
  - i. The total gross floor area of the structure or structures constituting the development is less than 500 m<sup>2</sup>; and
  - ii. The use is a Permitted Use, or for an external renovation or addition to an approved discretionary Use; and
  - iii. The construction complies with all provisions of this Bylaw; and
  - iv. **[Repealed by 2023-18]**
  - v. The development is not located in the steep Creek Hazard development overlay; and
  - vi. Where there are no off-site levies, local improvement levies, or municipal fees owing against the land, or where the present owner has entered into an agreement with the town for the payment of such levies or fees. **[2020-15]**
- r. An Accessory dwelling Unit, Attached or Accessory dwelling Unit, detached.
- s. Home occupation – Class 1.
- t. The installation of a sign that is compliant with all the regulations as set out in section 9: signage or is exempt as per section 9.14. **[2021-24]**
- u. The restoration, rehabilitation or reclamation of disturbed areas.

- v. The use of a dwelling Unit as a show Home. **[2021-24]**
- w. **Construction and development of a Wildlife Exclusion Fence, as required by an Area Structure Plan or Area Redevelopment Plan, or under the jurisdiction of the Province of Alberta.**

## **SECTION 13 DEFINITIONS**

**Wildlife Exclusion Fence** means a vertical physical barrier intended to limit access and movement of wildlife.



# Request for Decision

**DATE OF MEETING:** November 5, 2024 **Agenda #: G 2**

**TO:** Council

**SUBJECT:** Business Registry Licence Bylaw Amendment 2024-27 - Omnibus

**SUBMITTED BY:** Eleanor Miclette, Manager of Economic Development

**RECOMMENDATION:** That Council give second reading to Business Registry Licence Bylaw Amendment 2024-27 – Omnibus.

That Council give third reading to Business Registry Licence Bylaw Amendment 2024-27 – Omnibus.

## EXECUTIVE SUMMARY

Business Registry Licence Bylaw Amendment 2024-27 – Omnibus received first reading on October 15, 2024 and was the subject of a public hearing on November 5, 2024.

Upon legal review of the proposed amendment to the Business Registry Bylaw 2024-27 section 9.1.1. Administration recommends that section 9.1.1 be as follows.

9.1.1 Notwithstanding section 9.1, any person operating a Tourist Home **as a Business** in an area not permitted by the Land Use Bylaw is in contravention of this bylaw and is guilty of an offence and is liable for the following penalties: first offence within a calendar year \$2,500, second offence \$5,000, and \$10,000 for third or subsequent offences.

Currently, the proposed amendment to section 9.1.1 references “short-term rental”, which is not defined within the bylaw. To ensure clarity and enforceability, administration recommends that “short-term rental” be replaced with “Business” in section 9.1.1.

Illegal Tourist Home operation can be enforced through the Land Use Bylaw and the Business Registry Licensing Bylaw. Municipal Enforcement will determine what approach is taken at the time based on the evidence gathered.

If Council wishes to make this amendment, the motion is as follows:

That Council amend section 40.2 by striking out “short-term rental” and substituting “as a Business.”

Please see Attachment 1 for the Request for Decision (RFD) and related attachments presented at first reading.

**ATTACHMENTS**

- 1) RFD and attachments from the October 15, 2024 special council meeting.
- 2) Business Registry Licence Amendment 2024-27 - Omnibus
- 3) Business Registry Licence Bylaw 2015-02 - REDLINE

**AUTHORIZATION**

Submitted by: Eleanor Miclette  
Manager of Economic Development      Date: October 24, 2024

Approved by: Scott McKay  
General Manager of Municipal Services      Date: October 28, 2024

Approved by: Sally Caudill  
Chief Administrative Officer      Date: October 29, 2024



# Request for Decision

**DATE OF MEETING:** October 15, 2024 **Agenda #:** G 1

**TO:** Council

**SUBJECT:** Business Registry Licence Bylaw Amendment 2024-27 - Omnibus

**SUBMITTED BY:** Eleanor Milette, Manager of Economic Development

**RECOMMENDATION:** That Council give first reading to Business Registry Licence Bylaw Amendment 2024-27 – Omnibus and schedule a public hearing for November 5, 2024.

## EXECUTIVE SUMMARY

In order to implement the recommendations of the Livability Taskforce, amendments to the Business Registry Licence Bylaw are required. While the recommended amendments provide specific regulations for the operation of tourist homes, additional amendments are being recommended based on feedback gathered since the last Business Registry Licence Bylaw update was made in 2021.

## RELEVANT COUNCIL DIRECTION, POLICY, OR BYLAWS

The Business Registry Licence Bylaw is permitted under the Municipal Government Act Parts 2, Division 1, Section 8.

## Relevant Council Motions:

16-2024 Moved by Mayor Krausert that Council accept the Livability Taskforce's recommendations for information as presented and direct administration to develop an implementation plan.

## DISCUSSION

The recommended amendments to the Business Registry Licence Bylaw seek to implement the recommendations brought forward by the Livability Taskforce while incorporating feedback received since the last amendment in 2021.

## Livability Taskforce Recommendation (January 9<sup>th</sup>, 2024, H2 in Council Report):

One of the recommendations from the Livability Taskforce was to phase out the tourist home designation and to further regulate the operation of tourist homes by:

- Requiring all tourist homeowners that rent their properties short term to display a business licence.
- Requiring the licence number be posted in any online advertising of the unit and that there must be a licence number posted for each unit.

Under the Land Use Bylaw, the definition of a Tourist Home means a dwelling unit operated as a temporary place of stay, with or without compensations, and includes all vacation rentals of a dwelling unit. The characteristics that distinguish a Tourist Home from a dwelling unit used as a residence may include any of the following:

- a. The intent of the occupant to stay for short-term vacation purposes rather than use the property as a residence; and/or
- b. The commercial nature of a tourist home; and/or
- c. The management or advertising of the dwelling unit as a tourist home or vacation property; and/or
- d. The use of systems of reservations, deposits, confirmations, credit cards, or other forms of electronic payment.

We only permit units operated as short-term rentals as a business under the Business Registry Licence Bylaw, not the personal use of a tourist home-zoned unit.

Tourist homes are short-term vacation rental units operated out of residentially zoned properties, whereas visitor accommodations are short-term vacation rental units on commercially zoned properties. This differential is deemed enough to distinguish a separate licensing approach.

The recommended amendments to the Business Registry Licence Bylaw, if approved, are expected to:

- make it easier for enforcement staff and the public to identify legal tourist homes online or in person,
- result in an additional 650-700 Town of Canmore business licences being issued each year. Currently, one property manager operating multiple tourist homes can do so under a single business licence.

**Other Recommended Changes of Note Include:**

1. **Independent Contractors:** Clarifying language has been added to increase understanding amongst independent contractors and the requirement to obtain a business licence if renting space from a Canmore-based business and conducting business service within that space. This includes, but is not limited to, massage therapists or hairdressers who rent a chair/bed to conduct their trade.
2. **Contractors Working Exclusively for Non-Profit Sport Organizations:** Administration has received requests from not-for-profit sports organizations to designate out-of-town coaches as resident business owners to reduce the operating costs and expenses to Canmore families accessing local sports. The recommended bylaw amendments include conditions under which a lower-cost resident licence would be issued upon receiving a letter confirming the sports organization is a not-for-profit under the Alberta Societies Act and confirmation that the contractor does not offer other services to for-profit organizations or private clients within the Town of Canmore.
3. **Business Licence Fee Changes:** Business licence fees have not been adjusted since 2015. In 2021, a decision was made to refrain from increasing fees to minimize the financial burden on Canmore-based businesses, many of which were affected by the economic challenges of the COVID-19 pandemic. Business licence fees fund economic development initiatives, including department-led research, such as the Labour Market Recruitment and Retention Strategy. The recommended fee adjustments help to ensure that business licence revenue is sufficient to support existing service levels.

As part of our review, we examined business registry fees from various municipalities, including Banff, Cochrane, Calgary, Sylvan Lake, Okotoks, Airdrie, Chestermere, Drumheller, and the British Columbia towns of Victoria, Whistler, and Penticton.

Different business licence fee structures exist across municipalities, so fee comparisons are not always straightforward. Below is a sample of business types and the business licence fee were they to operate in a selection of Alberta municipalities. The fees indicated for Canmore reflect Schedule A in the recommended bylaw amendment.

Business	Canmore	Banff	Cochrane	Calgary	Okotoks	Sylvan Lake
Hotel with 85 rooms	\$375	\$225 plus 50% of AB tourism levy	\$180	\$172	\$385	\$200
Non-resident business (annual)	\$600	\$450 + Schedule B fee	\$340	\$785	\$400	\$350
Home Occ class 1 or 2	\$150/40 for micro	\$559	\$100-\$180	\$172	\$200	\$100-\$200
Tourist Home	\$150	\$612	\$180	\$100	\$200	\$250-\$450
Retail Business below 300 SQ M	\$150	\$4,645	\$180	\$172	\$250	\$200
Restaurants 40 seats	\$375	\$1,864	\$180	\$172	\$335	\$400
Builder > 15 units/years	\$600	\$1,033	\$180	\$237	\$335	\$200

This review highlights the varied approaches municipalities use to determine business license fee structures, reflecting local priorities, economic development strategies, and industry needs. Overall, the fee increase in Canmore is proposed at 15%, with no increase occurring since 2015. This was seen as acceptable during engagement with interest holders.

Under the Town of Canmore Reserve Policy, any revenue generated from business license fees is designated for economic development initiatives and programs. At the end of the year, unused funds are transferred to the Economic Development Reserve to support future projects that benefit the local business community. Recent projects funded by the reserve include the Labour Market Recruitment and Retention Strategy, Retail Gap Analysis, Light Industrial and Commercial Land Review, and the Main Street Pedestrian Zone.

**Administrative Guideline Changes**

**Busking Guidelines - Young Buskers:** Currently, business licences are required for those busking in Canmore, and buskers are expected to adhere to the Town of Canmore’s Busking Conditions. The conditions restrict busking to those over the age of 12 and require that buskers between the ages of 12 and 16 have parental supervision. Unless otherwise directed by Council, administration is planning to remove age restrictions from the Busking Conditions, allowing buskers of any age to showcase their talent.



## ANALYSIS OF ALTERNATIVES

**Visitor Accommodations:** The recommended bylaw amendments maintain the current business licensing approach for purpose-built visitor accommodations, allowing management companies to hold the business licence rather than individual unit owners. If Council wishes to align the treatment of these accommodations with the recommended approach for tourist homes, we recommend that Council approve the proposed bylaw and direct administration to return at a later date with recommended amendments and resources required to manage a large increase in the number of licences which would need to be processed annually.

Administration will present resource requirements to implement the Livability Tax Force Recommendations as part of the 2025-2026 budget process. However, that resource package isn't sufficient to support the anticipated increase in business licence workload should the Council proceed with this alternative. Currently, there are 1,452 individual tax rolls under visitor accommodation in Canmore. Should Council decide to require each individually titled unit to have its own business license, this would mean an additional 1,063 new business licenses.

If Council wishes to move forward with this option, administration recommends the following motion:

That Council direct administration to return with recommended amendments to the Business Registry Licence Bylaw that will require all individually titled visitor accommodation units to obtain a business licence and that the display of the licence be subject to the same requirements as tourist homes and that administration include any additional resources required to process the anticipated increase in business licences as an option for Council as part of the 2025/2026 budget process.

**Increase Fine Amounts:** The current bylaw indicates that any contravention will result in a fine between \$250 and \$1,000. This is consistent with other business registry licence bylaws, and administration is not recommending changes to these levels.

**Include Fines for Specific Offences:** Council could include specific fines for those operating a tourist home without a business licence. Should Council opt to include additional fine amounts related to illegal tourist home operations, administration recommends the fine amounts contained in the draft motion below:

That Council amend section 39 of Bylaw 2024-27 by adding "8.1.2 Notwithstanding section 8.1, any person operating a Tourist Home for short-term rental in a contravention with this bylaw is guilty of an offence and is liable for the following penalties: first offence within a calendar year \$2,500, second offence \$5,000, and \$10,000 for third or subsequent offences.", and renumbering all sections that follow."

The maximum penalty a municipality can levy for this type of offence under the Municipal Government Act (MGA) is \$10,000. Legal review only noted the requirement to stay within the maximum penalty amounts outlined in the MGA. Compared to other tourism communities, Sylvan Lake issues a \$2,500 fine under its Short-Term Accommodation and Rental bylaw, which operates separately from the Business Registry. Banff issues a \$2,500 fine under its land use bylaw. Calgary issues a \$1,000 fine under its Business Registry Licence Bylaw. Crowsnest Pass issues fines double the business license fee and keeps doubling previous fines up to \$10,000 for subsequent offences under its fees, rates, and fines bylaw.

**FINANCIAL IMPACTS**

Based on actual figures for 2023, the proposed increase in licensing fees is anticipated to generate additional annual revenue of approximately \$85,000 for the Business Registry.

The anticipated revenue increase from bylaw changes related to tourist homes is estimated at \$97,500 per year, assuming the issuance of 650 additional licences.

**INTEREST HOLDER ENGAGEMENT**

Business Registry Licence Bylaw updates and changes were reviewed with the following groups:

Internal Interest Holders:

- Municipal Enforcement, Planning, Engineering, Finance, Fire & Rescue, the Municipal Clerks Office, Livability Taskforce
- Legal Council from Reynolds Mirth Richards & Farmer LLP

External Interest Holders:

- Sarah Freeman – Bow Valley Chamber of Commerce
- Sierra Sawatzky – Banff Canmore Job Resource Centre
- Rachel Ludwig – Tourism Canmore Kananaskis
- Ian O’Donnell – Bow Valley Builders and Developers Association
- Gradey McMahon – Downtown Canmore BIA
- Danielle Spooner – Canmore Hotel and Lodging Association

**ATTACHMENTS**

- 1) Business Registry Licence Bylaw 2024-27
- 2) Business Registry Licence Bylaw 2015-02 Redlined

**AUTHORIZATION**

Submitted by:	Eleanor Miclette Manager of Economic Development	Date: <u>September 13, 2024</u>
Approved by:	Katherine Van Keimpema Finance Strategy Manager	Date: <u>September 13, 2024</u>
Approved by:	Chelsey Gibbons Manager of Financial Services	Date: <u>September 13, 2024</u>
Approved by:	Scott McKay GM Municipal Services	Date: <u>September 13, 2024</u>
Approved by:	Sally Caudill Chief Administrative Officer	Date: <u>October 8, 2024</u>



## BYLAW 2024-27

### A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, TO AMEND BUSINESS REGISTRY LICENCE BYLAW 2015-02

---

The Council of the Town of Canmore, in the Province of Alberta, duly assembled, enacts as follows:

#### TITLE

- 1 This bylaw shall be known as “Business Registry Licence Bylaw Amendment 2024-27 – Omnibus”.

#### INTERPRETATION

- 2 Words defined in Bylaw 2015-02 shall have the same meaning when used in this bylaw.

#### PROVISIONS

- 3 Bylaw 2015-02 is amended by this bylaw.

- 4 Section 2.2 is amended

- a) by striking out “dedicated to” and substituting “allocated to the”;
- b) by striking out “purposes of the Town” and substituting “reserve and utilized”.

- 5 Section 3.2 is amended by adding the following definitions in alphabetical order:

“Bed and Breakfast” has the same meaning as set out in the Town of Canmore Land Use Bylaw;

“Independent Contractors” means a person contracted to perform work for another entity as a non-employee;

“Peace Officer” means

- a) a person appointed as a bylaw enforcement officer pursuant to the Municipal Government Act,
- b) a person appointed as a Peace Officer pursuant to the Peace Officer Act, or
- c) a police officer;

“Private Client” means an individual or entity that receives personalized financial, legal, or professional services tailored to their specific needs in exchange for financial compensation;

“Rental Platform” means an online service or marketplace that facilitates the listing, discovery, and booking of rental properties, such as Tourist Homes and vacation rentals, for short-term periods typically ranging from a single night to several weeks;

“Tourist Home” has the same meaning as set out in the Town of Canmore Land Use Bylaw;

"Town-Approved Event" means an event that utilizes Town property with approval from the Town, which may include a facility rental agreement and/or a Community Event Permit;

"Voluntary Registration" means a profession, organization, society, charity or non-profit that is exempt from requiring a Business license as per the Municipal Government Act, their professional governing Act, or this bylaw that voluntarily registers for a Business Registry Licence.

- 6 Section 3.2 is amended by repealing the definitions for "Community Special Events" and "Special Events".
- 7 Section 3.2 "Advertise" is amended by inserting "or 'Advertisement'" after "Advertise".
- 8 Section 3.2 "Business Premises" is amended by inserting "location, building, or establishment where a place of Business, commercial or industrial activity is undertaken or where professional, personal or other services are provided to the public, typically for monetary gain including but not limited to" between "means a" and "any store".
- 9 Section 3.2 "Business Registry Licence Coordinator" is amended by striking out "Licence" and adding "as designated by the chief administrative officer".
- 10 Section 3.2 "Dwelling Unit" is amended by striking out "means as defined under the Town's Land Use Bylaw" and substituting "has the same meaning as set out in the Town of Canmore Land Use Bylaw as amended".
- 11 Section 3.2 "Home Occupation – Class 1" is amended by striking out "means an accessory use of a Dwelling Unit by a resident for a small-scale Business which is incidental to the primary use as a residence, undetectable from outside the Dwelling Unit" and substituting "has the same meaning as set out in the Town of Canmore Land Use Bylaw".
- 12 Section 3.2 "Home Occupation – Class 2" is amended by striking out "means an accessory use of the Dwelling Unit or private garage by a resident for a small-scale Business which is incidental to the primary use as a residence and that has been issued a home occupation – Class 2 development permit in accordance with the Town's Land Use Bylaw" and substituting "has the same meaning as set out in the Town of Canmore Land Use Bylaw".
- 13 Section 3.2 "Micro-Business" is amended by striking out "side".
- 14 Section 3.2 "Umbrella Rider" is amended
  - a) by striking out "owner",
  - b) by striking out "owners Business Premises without purchasing" and substituting "Licensee's Business Premises for a maximum of three (3) consecutive days without the other Business having to purchase a separate".

- 15 The following sections are amended by striking out “Licence” in “Business Registry Licence Coordinator:

Section 4  
Section 4.1  
Section 4.2  
Section 4.3  
Section 5.12.2  
Section 5.14.1  
Section 6.1  
Section 6.2  
Section 6.7.1  
Section 8.2c)  
Section 9.3  
Section 9.11  
Section 9.12  
Section 10.1

- 16 The following is added after section 5.1:

5.1.1. All Independent Contractors that Carry On Business in the Town must hold and maintain a valid Business Registry Licence.

- 17 The following is added after section 5.2.1:

5.2.2 The owner of a property who offers or operates the property as a Tourist Home must obtain a separate Business Registry Licence for each Tourist Home location and pay a separate fee for each licence.

- 18 Section 5.7 is amended by striking out “Community Special Event” and substituting “Town-Approved Event”.

- 19 Section 5.8 is amended

a) by striking out “Community Special Event” and substituting “Town-Approved Event” wherever it occurs,

b) by striking out “community special” in subsection b).

- 20 Section 5.9 is amended

a) by striking out “Community Special Event” and substituting “Town-Approved Event” wherever it occurs,

b) in subsection c) by striking out “community special”.

- 21 Section 5.10 is amended

Bylaw approved by: \_\_\_\_\_

Page 3 of 9

- a) in subsection d) by striking out “included” and substituting “covered” and by striking out “Umbrella Licence” and substituting “Umbrella Rider”,
- b) in subsection e) by striking out “included” and substituting “covered”, by inserting special event Business Registry” before “Licence”, and by striking out “a community special” and substituting “an”.
- 22 Section 5.11 is amended by striking out “Community Special Event” and substituting “Town-Approved Event”.
- 23 Section 5.12.1 is amended by striking out “the” before “Alberta Public Health” and by striking out “Officer” after “Alberta Public Health”.
- 24 Section 5.12.2 is amended by inserting “the” before “Business Registry Coordinator” and inserting “or a Peace Officer” after “Business Registry Coordinator”.
- 25 Section 5.13.2 is amended by inserting “busking” before “conditions” and inserting “and locations” before “set out”.
- 26 Section 5.14 is amended by striking out “A Business Registry Licence does not authorize or permit the Licensee to Carry On Business or any other pursuit in contravention of the provisions of other Town bylaws and other applicable provincial or federal acts, regulations, standards and codes” and substituting “The holder of a Business Registry Licence is required to comply with all Town bylaws and all applicable provincial or federal acts, regulations, standards, and codes”.
- 27 Section 5.14.1 is amended
- a) by inserting “or holder of the Business Registry Licence” after “The Business owner”,
- b) by striking out “license category (e.g. changing from resident commercial Business to a home occupation.”
- 28 The following two sections are added after section 5.14.1:
- 5.14.2.a If the Business undergoes a change in its Business Registry Licence category, for example transitioning from a Home Occupation to a Resident Business category, the Business owner must submit an Application for the new category of licence.
- 5.14.3.b If applicable, Business Registry Licence fees already paid for the current licence year may be applied towards the fee for the new licence category subject to the following:
- a) where the new licence fees are higher than the fees already paid for the year, the Business owner will be responsible for paying the difference in fees, and

- b) where the new licence fees are lower than the fees already paid for the year, the difference in licence fees remains non-refundable.

29 Section 6.2 is amended by striking out “approved” and substituting “issued”.

30 Section 6.3 is amended by inserting “, Micro-Businesses, Home Occupation – Class 2, or a Bed and Breakfast Business Registry Licence holder” after “Temporary Licence”.

31 Section 6.4 is amended by inserting “, Micro-Businesses, Home Occupation – Class 2, or a Bed and Breakfast Business Registry Licence holder” after “Temporary Licence”.

32 Section 6.5 is repealed.

33 Section 6.6 is amended by striking out “regardless of” and substituting “in addition to”.

34 Section 6.7 is amended by striking out “If an Applicant for a resident Business Registry Licence satisfies the Business Registry Licence Coordinator by way of written declaration that the gross annual revenue of the Business is \$30,000.00 or less, the Applicant shall qualify for the Micro-Business licence fee as provide provided for in Schedule A.” and substituting “Home Occupation – Class 1 and Home Occupation – Class 2 Businesses, as well as Businesses operating in a co-working space, that can verify gross annual revenue of less than \$30,000, are eligible to apply for a Micro-Business licence as outlined in Schedule A.”

35 Section 6.9 is repealed.

36 The following is added after section 6.9:

6.10 Out-of-town contractors who receive payment for services such as providing educational, training or leadership development services to registered not-for-profits sport organizations may qualify for the residential license fee in accordance with Schedule A under the following conditions:

- a) the Application is accompanied by a letter confirming the not-for-profit status of the sports organization under the Societies Act, and
- b) they do not provide services to for-profit organizations or Private Clients in the Town.

37 Section 7.1 is amended by striking out “automatically terminate” and substituting “expire”.

38 Section 8.1 is amended by inserting “or Tourist Home” between “premises” and “of the Licensee”.

39 The following is added after section 8.1:

8.1.1. Tourist Homes must include the Town of Canmore Business Registry Licence number in all Advertising, including on any Rental Platforms, and such Business Registry Licence number must be immediately visible to any member of the public.

40 Section 8.2 is amended

- a) by inserting “or whose premises are not in the Town” between “fixed location” and “the license must be”,
- b) in subsection b) by striking out “and” and substituting “or”.

41 Section 9.5 is amended

- a) in subsection b) by adding “or”,
- b) by adding the following after subsection b):
  - c) by email to their last known email address on file.

42 Section 9.13 is amended

- a) in subsection a) by inserting “the email address or physically mailing to” between “notice of” and “the address”,
- b) in subsection b)
  - (i) by striking out “of Canada Post’s methods” and substituting “method”,
  - (ii) by striking out “Application for a licence” and substituting “Business Registry Licence account”.

43 Section 9.14 is amended by striking out “removed” and substituting “cancelled and the Business’ account is deactivated”.

44 Section 9.14.1 is amended

- a) by striking out “, trades or occupation” and substituting “within the Town”,
- b) by striking out “trade or occupation”.

45 The following is added after section 9.14.1:

9.14.2 Any physical evidence of Business Advertisement or Business activity within a Business Premises shall be considered prima facie proof that the person is carrying on or operating such Business.

46 Section 11.1 is amended

Bylaw approved by: \_\_\_\_\_

Page 6 of 9



- a) by striking out “a bylaw against engaging or operating a Business without a licence” and substituting “this bylaw”,
- b) by inserting “or with” between “transaction” and “the Business”.

47 Schedule A is repealed and Schedule A of this bylaw is substituted.

48 Bylaw 2015-02 is amended by striking out title numbers and numbering all sections in chronological order.

**ENACTMENT/TRANSITION**

- 49 If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.
- 50 Schedule A forms part of this bylaw.
- 51 This bylaw comes into force on the date it is passed.

FIRST READING:

PUBLIC HEARING:

SECOND READING:

THIRD READING:

Approved on behalf of the Town of Canmore:

\_\_\_\_\_  
Sean Krausert  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Cheryl Hyde  
Manager, Municipal Clerk’s Office

\_\_\_\_\_  
Date

Bylaw approved by: \_\_\_\_\_

**SCHEDULE A – BUSINESS REGISTRY LICENCE FEES**

2021-01

<b>Accommodations based on the number of rooms</b>	
Bed and Breakfast	\$150
Tourist Home	<b>\$150</b>
Hotels, Motels, Inns, Hostels: 1-49 rooms	\$225
Hotels, Motels, Inns, Hostels: 50 – 100 rooms	\$375
Hotels, Motels, Inns, Hostels: 100 + rooms	\$600
<b>Construction &amp; Development</b>	
Contractor/Trade Person	\$150
Builder: < 15 units/year	\$375
Builder: > 15 units/year	\$600
Developer & Commercial/Industrial	\$1200
<b>General</b>	
Auto Dealership	\$600
Banking & Commercial Lending Institutions	\$600
Busker	\$40
Golf Courses	\$600
Home Occupation Class 1 and Class 2	\$150
Micro-Business	\$40
Property Management	\$600
Real Estate Brokers	\$600
Umbrella Rider	50% of the applicable Business Registry fee to a maximum of \$300
Voluntary Registration for Exempt Businesses	\$40
<b>Hawkers and Vendors</b>	
1 day	\$25
2-3 days	\$50
1 year	\$150

Bylaw approved by: \_\_\_\_\_

Page 8 of 9

<b>Non-Resident Business</b>	
Annual Licence	\$600
Temporary Licence: 2 days	\$50
Temporary Licence: 1 month	\$150
Temporary Licence: 3 months	\$200
Temporary Licence: 6 months	\$300
<b>Restaurants &amp; Bars (excludes outdoor patio seating)</b>	
Restaurants: 0 - 35 seats	\$150
Restaurants: 36 - 69 seats	\$375
Restaurants: >69 seats	\$600
<b>Retail/ Commercial/ Wholesale/Industrial</b>	
Resident Business: <300 sq.m	\$150
Resident Business: 300 sq. m to 1,500 sq.m	\$375
Resident Business: > 1,500 sq. m.	\$1200
Gasoline Retail	\$375
<b>Special Events</b>	
	\$75 per day

RFD Submitted October 15, 2024



**BYLAW 2015-02 REDLINE VERSION**  
**Office Consolation current as of July 7, 2022**

**A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, TO  
 PROVIDE FOR BUSINESS REGISTRY LICENCING**

The Council of the Town of Canmore, in the Province of Alberta, duly assembled, enacts as follows:

**1: TITLE**

1.1. This bylaw shall be known as “Business Registry Licence Bylaw 2015-02.”

**2: PURPOSE**

2.1. The purpose of this bylaw is to create a registry of Businesses operating in the Town of Canmore in order to identify and understand Business activity in the municipality.

2.2. The revenues generated from Business Registry licensing fees shall be ~~dedicated to~~ allocated to the economic development reserve and utilized purposes of the Town as determined by Council.

**3: INTERPRETATION**

3.1. Words which have been defined in the *Municipal Government Act*, the *Peace Officer Act* and the *Interpretation Act* shall have the same meaning when used in this bylaw.

3.2. In this bylaw,

“Advertise” or “Advertisement” means to promote, describe or publicize merchandise or services in a public forum including but not limited to commercial vehicles, newspapers, flyers, radio, television, fax communications or internet communications; however created and distributed;

“Agent” means a person hired to represent another person or a commercial Business;

“Applicant” means a person who applies for a Business Registry Licence or a renewal of the Business Registry Licence in accordance with this bylaw;

2021-01

“Application” means a written application submitted to the Town of Canmore for a Business Registry Licence or a renewal of a Business Registry Licence, in accordance with this bylaw;

2021-01

“Bed and Breakfast” has the same meaning as set out in the Town of Canmore Land Use Bylaw;

“Business” means:

- a) a commercial, merchandising, marketing or industrial activity or undertaking that invoices for goods or services;
- b) a profession, trade, occupation, calling or employment; or
- c) an activity providing goods or services, whether or not for profit and however organized or formed, including a co-operative or association of persons;

“Business Premises” means a location, building, or establishment where a place of Business, commercial or industrial activity is undertaken or where professional, personal or other services are provided to the public, typically for monetary gain including but not limited to any store, office, warehouse, residence, yard or other place occupied for the purpose of carrying on a Business that is an approved use under the Town’s Land Use Bylaw;

2021-01

“Business Registry” means a list of all Businesses that have been issued a Business Registry Licence;

“Business Registry Licence” means a licence issued in accordance with this bylaw;

“Business Registry ~~Licence~~ Coordinator” means a person hired to administer and issue Business Registry Licences as designated by the chief administrative officer;

“Busker” means a person who performs entertainment in a public place while soliciting money;

“Carry On” means conduct, operate, perform, keep, hold, occupy, deal in, or use, for gain, whether as principal or Agent;

~~“Community Special Events” are events that have been issued a community special event permit by the Town; Repealed 2024-27~~

“Dwelling Unit” has the same meaning as set out in the Town of Canmore Land Use Bylaw as amended; ~~means as defined under the Town’s Land Use Bylaw;~~

2021-01

“General Contractor” means the owner of a Business who enters into contracts for the erection, alteration, construction, repair of buildings or structures of any kind and includes any owner of property who supervises the erection, construction, alteration and repair of buildings or structures where a General Contractor is not engaged in such a project;

“Hawker” means any person who, whether as principal or Agent, goes from door to door selling or offering for sale any merchandise or -service, or both, to any person and who is not a wholesale or retail dealer in that merchandise or service, and who does not have a permanent place of Business in the Town;

“Home Occupation – Class 1” has the same meaning as set out in the Town of Canmore Land Use Bylaw; ~~means an accessory use of a Dwelling Unit by a resident for a small-scale Business which is incidental to the primary use as a residence, undetectable from outside the Dwelling Unit;~~

2021-01

“Home Occupation – Class 2” has the same meaning as set out in the Town of Canmore Land Use Bylaw; ~~means an accessory use of the Dwelling Unit or private garage by a resident for a small-scale Business which is incidental to the primary use as a residence and that has been issued a Home Occupation – Class 2 development permit in accordance with the Town’s Land Use Bylaw;~~

2021-01

“Independent Contractors” means a person contracted to perform work for another entity as a non-employee;

“Licensee” means the holder of a Business Registry Licence;

“Micro-Business” means a Business earning less than \$30,000 a year in gross annual revenue; including but not limited to a ~~side~~-Business without material expenditure of time, with a single product or service;

2021-01

“Non-Resident Business” means a Business that carries on activities, in whole or in part, within the Town, but

- a) does not maintain a permanent place of Business within Canmore, or
- b) does not maintain a permanent place of Business in a neighbouring jurisdiction where that jurisdiction has an inter-municipal service agreement with the Town of Canmore;

“Peace Officer” means

- a) A person appointed as a bylaw enforcement officer pursuant to the Municipal Government Act,
- b) a person appointed as a Peace Officer pursuant to the Peace Officer Act, or
- c) a police officer;

“Private Client” means an individual or entity that receives personalized financial, legal, or professional services tailored to their specific needs in exchange for financial compensation;

“Rental Platform” means an online service or marketplace that facilitates the listing, discovery, and booking of rental properties, such as Tourist Homes and vacation rentals, for short-term periods typically ranging from a single night to several weeks;

“Resident Business” means a Business that:

- a) maintains a permanent place of Business within the boundaries of the Town; or
- b) maintains a permanent place of Business in a neighbouring jurisdiction where that jurisdiction has an inter-municipal service agreement with the Town of Canmore;

~~“special events” are events that have been issued a special events permit by the Town; Repealed 2024-27~~

“Sub-Contractor” means a person hired by a General Contractor to provide goods or services in relation to a particular trade, project or contract;

“Temporary Licence” means a Business Registry Licence issued to a Non-Resident Business for one of the following time periods:

- a) three days;
- b) one month;
- c) three months;
- d) six months;

2021-01

“-Tourist Home” has the same meaning as set out in the Town of Canmore Land Use Bylaw;

“Town” means the Town of Canmore in the Province of Alberta or the land lying within the corporate limits of the Town, as the context requires;

"Town-Approved Event" means an event that utilizes Town property with approval from the Town, which may include a facility rental agreement and/or a Community Event Permit;

“Umbrella Rider” means an annual fee paid by a licensed Resident Business ~~owner~~ to allow one or more other Businesses to be carried out on the ~~owners Business Premises~~ without purchasing Licensee’s Business Premises for a maximum of three (3) consecutive days without the other Business having to purchase a separate Business Registry Licence;

“Vendor” means any person who, whether as a principal or Agent, offers or exposes for sale to any other person, processed or unprocessed foodstuffs, services, or retail items from:

- a) a push-cart, wagon, or other wheeled or skidded vehicle; or
- b) a mobile preparation unit; or
- c) a stall, booth, table or space;

“Violation Tag” means a municipal tag or similar document issued by a Peace Officer in relation to an offence under this bylaw;

“Violation Ticket” means a ticket issued pursuant to the Provincial Offences Procedures Act, as amended, and the regulations thereunder;

"Voluntary Registration" means a profession, organization, society, charity or non-profit that is exempt from requiring a Business license as per the Municipal Government Act, their professional governing Act, or this bylaw that voluntarily registers for a Business Registry Licence.

#### 4: DUTIES OF THE BUSINESS REGISTRY LICENCE COORDINATOR

4.1. The Business Registry ~~Licence~~ Coordinator shall:

- a) grant and renew Business Registry ~~L~~icences,
- b) maintain appropriate records pertaining to the licensing of Businesses, infractions of this bylaw, and generally all matters arising out of the Application, and
- ~~b)c)~~ enforce this bylaw.

2021-01

4.2. The Business Registry ~~Licence~~ Coordinator may refuse to grant and renew a Business Registry ~~L~~icence if, in their determination:

- a) the Applicant is in breach of this or any other bylaw of the Town, or any applicable municipal, provincial, or federal statute or regulation; or

- b) the Applicant does not hold current and valid municipal, provincial or federal permits, approvals, licences, clearances or insurances as required by the relevant municipal, provincial or federal bylaws, statutes or regulations.

2021-01

- 4.3. When an Application has been refused, the Business Registry ~~Licence~~ Coordinator shall provide written reasons for the refusal.

## 5: REGISTRATION PROVISIONS

- 5.1. Except as otherwise provided for in this bylaw, no person shall Carry On any Business in the Town without first having obtained a Business Registry Licence for the Business prior to the first day of operation.

2021-01

5.1.1. All Independent Contractors that Carry On Business in the Town must hold and maintain a valid Business Registry Licence.

- 5.2. An owner of a Business shall obtain a Business Registry Licence for each physical address, premises, or location where the Business is carried on within the Town, and a separate fee shall be paid for each location's licence.

2021-01

- 5.2.1 Businesses that do not require a development permit may be subject to additional conditions, including but not limited to proof of liability insurance and pre-approved route of operation on public roads.

2021-01

5.2.2 The owner of a property who offers or operates the property as a Tourist Home must obtain a separate Business Registry Licence for each Tourist Home location and pay a separate fee for each licence.

- 5.3. When one owner is carrying on more than one Business from the same premises, the owner shall obtain a separate Business Registry Licence for each Business.

- 5.4. When two or more owners are carrying out separate Businesses from the same premises:

- a) each owner shall obtain a Business Registry Licence for each Business, or  
b) one of the owners shall add an Umbrella Rider to their existing Business Registry Licence if applicable in accordance with section 5.7 of this bylaw.

2021-01

- 5.5. An Umbrella Rider may be added to an existing resident Business Registry Licence to allow one or more separate Businesses to be carried out on the Business Premises without obtaining separate Business Registry Licences for a maximum of 3 consecutive days.

5.6. *Repealed 2021-01*

- 5.7. Umbrella Riders shall not apply to:



- a) Businesses that Advertise their goods or services as being provided from the licensed Business' premises for a period of time greater than 3 days, or
- b) Maintenance, repair and construction services, or
- c) Businesses carried out as part of a ~~Town-Approved Event~~community special event.

2021-01

5.8. When a Business is carried out as part of a ~~Town-Approved Event~~community special event:

- a) The owner shall obtain a Business Registry Licence, or
- b) The organizer of a ~~Town-Approved Event~~community special event shall obtain one Business Registry events licence to allow one or more separate Businesses to be carried out as part of the ~~community special~~ event.

2021-01

5.9. When two or more owners are carrying out separate Businesses from the same premises or for the same construction project or ~~Town-Approved Event~~community special event:

- a) a Business owner is responsible for ensuring that all separate Businesses being carried out on their Business ~~P~~premises hold a valid Business Registry Licence or are included under the owner's ~~umbrella rider~~Umbrella Rider, or events licence.
- b) A General Contractor is responsible for ensuring that all of their Sub-Contractors hold a valid Business Registry Licence, and
- c) The organizer of a ~~Town-Approved Event~~community special event is responsible for ensuring all separate Business being carried out as part of the ~~community special~~ event hold a valid Business Registry Licence or are included under the organizer's Business Registry special events licence.
- c.1) The organizer of a film production or a photoshoot conducted within the Town is responsible for ensuring all separate Businesses being carried out as part of the film production or photoshoot hold a valid Business Registry Licence;

2021-01

5.10. A Business shall be exempted from the requirements of this bylaw if:

- a) the Business is carried on by the Town, the government of Canada or the Province of Alberta, or
- b) the Business provides goods or services exclusively to the Town, the government of Canada or the Province of Alberta, or
- c) the Business provides written proof that they are exempt under a statute of Canada or the Province of Alberta, or

- d) the Business is ~~included-covered~~ under the ~~umbrella licence~~ Umbrella Rider of another Business, or
- e) the Business is ~~included-covered~~ under a special event Business Registry Licence obtained by an ~~community special~~ event organizer.

f) *Repealed 2021-01*

5.11. A Business shall be exempted from all provisions of this bylaw except for the requirement to obtain a licence to cover Business activities held as part of a Town-Approved Event ~~community special event~~ if:

- a) the Business has been exempted by the Town from municipal property taxation, or
- b) the Business is a registered charitable or non-profit organization.

5.12. *Repealed 2021-01*

5.12.1. The Applicant is solely responsible for ensuring that all municipal, provincial and/or federal approvals (which may include but not be limited to those provided by ~~the~~ Alberta Public Health ~~Officer~~, Fire, Police, Building Inspector, Alberta Liquor and Gaming Commission, or Alberta Motor Vehicle Industry Council) that are required for the carrying out of any Business, trade, or occupation have been received prior to operating of the Business and are maintained in good standing throughout the duration of the term of the Business licence and any renewal thereof.

Bylaw 2021-01

5.12.2. Copies of all such licences, permits and approvals referred to in section 5.12.1 must be provided to ~~the~~ Business Registry ~~Licence~~ Coordinator or a Peace Officer upon request.

2021-01

5.13. A Business Registry Licence shall not be transferred from one person to another, and a new Business Registry Licence shall be required upon transfer of Business ownership.

2021-01

5.13.1. When a Business has been transferred from one person to another, the Applicant must provide evidence of a transfer or assignment of the interests of the existing Licensee or of the location of the Business.

2021-01

5.13.2. Buskers must be in possession of a Business Registry Licence and must comply with all busking conditions and locations set out in the Town's busking permit.

2021-01

5.14. ~~A Business Registry Licence does not authorize or permit the Licensee to Carry On Business or any other pursuit in contravention of the provisions of other Town bylaws and other applicable provincial or federal acts, regulations, standards and codes. The holder of a Business Registry Licence is required to comply with all Town bylaws and all applicable provincial or federal acts, regulations, standards, and codes.~~

5.14.1. The Business owner or holder of the Business Registry Licence is responsible for notifying the Business Registry ~~Licence~~ Coordinator of any changes to the Business, including, ~~licence category (e.g. changing from resident commercial Business to a home occupation)~~, physical location, mailing address, primary contact, Business owner, Business name, or Business phone number, mailing address or website and for paying fees in accordance with Schedule A.

2021-01

5.14.2.a If the Business undergoes a change in its Business Registry Licence category, for example transitioning from a Home Occupation to a Resident Business category, the Business owner must submit an Application for the new category of licence.

5.14.3.b If applicable, Business Registry Licence fees already paid for the current licence year may be applied towards the fee for the new licence category subject to the following:

- a) where the new licence fees are higher than the fees already paid for the year, the Business owner will be responsible for paying the difference in fees, and
- b) where the new licence fees are lower than the fees already paid for the year, the difference in licence fees remains non-refundable.

5.14.2. A Business owner is responsible for notifying the Business Registry ~~Licence~~ Coordinator if their Business ceases to operate within Canmore and is subject to paying any outstanding licence fees prior to the licence being cancelled.

2021-01

## 6: APPLICATION AND FEES

6.1. An Applicant for a Business Registry ~~L~~licence shall complete an Application on the approved form, furnishing such information as the form shall require and such additional information as the Business Registry ~~Licence~~ Coordinator may reasonably require.

6.2. A Business Registry ~~L~~licence or the renewal of a Business Registry ~~L~~licence shall not be ~~approved issued~~ by the Business Registry ~~Licence~~ Coordinator until the fees set out in Schedule A are received by the Town.

2021-01

6.3. Any Business, except for a Business that has been issued a ~~T~~emporary ~~L~~licence, ~~Micro-Businesses, Home Occupation – Class 2, or a Bed and Breakfast Business Registry Licence holder~~, that renews an existing Business Registry Licence, or that commences Business on or after January 1 and on or before June 30 shall pay the full amount of the Business Registry ~~L~~licence fee provided for in Schedule A.

6.4. Any Business, except for a Business that has been issued a ~~temporary licence~~ ~~Temporary Licence, Micro-Businesses, Home Occupation – Class 2, or a Bed and Breakfast Business Registry Licence holder~~, that commences Business on or after July 1 and on or before September 30 shall pay 50% of the annual Business Registry Licence fee provided for in Schedule A.

2021-01

6.5. ~~Any Business, except for a Business that has been issued a Temporary Licence, that commences Business on or after October 1 shall pay 25% of the annual Business Registry licence fee provided for in Schedule A.~~ Repealed

2021-01

6.6. A Non-Resident Business shall pay a non-resident Business Registry Licence fee provided for in Schedule A, in addition to regardless of any other category that may apply to the Business.

6.7. Home Occupation – Class 1 and Home Occupation – Class 2 Businesses, as well as Businesses operating in a co-working space, that can verify gross annual revenue of less than \$30,000, are eligible to apply for a Micro-Business licence as outlined in Schedule A. If an Applicant for a resident Business Registry Licence satisfies the Business Registry Licence Coordinator by way of written declaration that the gross annual revenue of the Business is \$30,000.00 or less, the Applicant shall qualify for the Micro-Business licence fee as provide provided for in Schedule A.

2021-01

6.7.1 The Business Registry ~~Licence~~ Coordinator may request, and the Applicant shall provide, upon request, any further documentation deemed necessary by the Business Registry ~~licenee~~ Coordinator.

2021-01

6.8. Any Business exempted from this bylaw may voluntarily obtain a Business Registry Licence by completing the Application and paying the applicable fee in accordance with Schedule A.

6.9. An owner may change the licenced name of their Business upon payment of a fee in accordance with Schedule A-Repealed 2024-27

6.10. Out-of-Town contractors who receive payment for services such as providing educational, training or leadership development services to registered not-for-profits sports organizations may qualify for the residential license fee in accordance with Schedule A under the following conditions:

- a) the Application is accompanied by a letter confirming the not-for-profit status of the sports organization under the Societies Act; and
- b) they do not provide services to for-profit organizations or Private Clients in the Town.

## **6.7: TERM OF LICENCE**

7.1. Each licence issued pursuant to this bylaw shall ~~automatically terminate~~ expire at midnight on the 31<sup>st</sup> day of December in the calendar year for which such licence was issued except for:

- a) Business Registry Licences issued to Home Occupations – Class 2, which will expire on the same date as the development permit, and
- b) ~~temporary licence~~ Temporary Licences, which will expire on midnight on the expiry date on the Business Registry Licence.

## **8: POSTING OR PRODUCTION OF LICENCE**

8.1. All licences issued pursuant to this bylaw shall be posted in a conspicuous place on the Business Premises or Tourist Home of the Licensee so as to be clearly visible to the public.

8.1.1 Tourist Homes must include the Town of Canmore Business Registry Licence number in all Advertising, including on any Rental Platforms, and such Business Registry Licence number must be immediately visible to any member of the public.

~~8.1.8.2.~~ For those Businesses that are not carried on at a fixed location; or whose Business Premises are not in Town, the licence must be:

- a) carried on the person of the Licensee; or
- b) carried in or on the vehicle or apparatus from which such Business is conducted; ~~and~~ or
- b.1) available for immediate viewing on a digital device; and
- c) shown to a Peace Officer, Business Registry ~~licence~~ Coordinator or members of the public upon demand.

2021-01

2021-01

~~8.2.8.3.~~ All licences issued pursuant to this bylaw remain the property of the Town.

## 9: INSPECTION AND ENFORCEMENT

9.1. Any person who contravenes a provision of this bylaw is guilty of an offence and shall be liable for a penalty of \$250.00 for a first offence, \$500.00 for a second offence, and \$1,000.00 for third or subsequent offences, plus the applicable licence fee in accordance with Schedule A.

9.2. Notwithstanding section 9.1, any person who unlawfully completes the written declaration required under section 6.7 shall be liable for a minimum penalty of \$1,500.00 plus the applicable licence fee in accordance with Schedule A.

2021-01

9.3. A Peace Officer or Business Registry ~~License~~ Coordinator shall at all reasonable times have the right to enter upon any licensed premises under the provisions of this bylaw for the purpose of inspection or for the purpose of ascertaining compliance with the provisions of this bylaw.

9.4. A Peace Officer is hereby authorized and empowered to issue a ~~violation tag~~ Violation Tag to any person who the officer has reasonable and probable grounds to believe has contravened any provision of the bylaw.

9.5. A ~~violation tag~~ Violation Tag may be issued to such person:

- a) personally; or
- ~~b)~~ b) by mailing a copy to such person at their last known address; or
- ~~b)c)~~ by email to their last known email address on file.

2021-01

9.6. The ~~violation tag~~ Violation Tag shall be in a form approved by the Peace Officer and shall state:

- a) the name of the defendant;
- b) the nature of the offence;
- c) the appropriate penalty for the offence as specified in the bylaw;

- d) that the penalty shall be paid within 30 days of the issuance of the ~~violation tag~~ Violation Tag; and
- e) Any other information as may be required by the Peace Officer.
- 9.7. Where a contravention of this bylaw is of a continuing nature, further ~~violation tag~~ Violation Tags may be issued by the Peace Officer, provided however, that no more than one ~~violation tag~~ Violation Tag shall be issued for each day that the contravention continues.
- 9.8. Where a ~~violation tag~~ Violation Tag is issued, the person to whom the ~~violation tag~~ Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Town the penalty specified on the ~~violation tag~~ Violation Tag.
- 9.9. Notwithstanding section 9.4 of this bylaw, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to the *Provincial Offences Procedures Act*, as amended, to any person who a Peace Officer has reasonable grounds to believe has contravened any provision of this bylaw.
- 9.10. Where the penalty specified on a ~~violation tag~~ Violation Tag has not been paid within the prescribed time, a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to the Provincial Offences Procedure Act, as amended.
- 9.11. In addition to issuing a ~~violation tag~~ Violation Tag or Ticket, a Peace Officer or Business Registry ~~Licence~~ Licence-Coordinator may revoke the Business Registry ~~L~~ Licence if, in the Peace Officer's or Business Registry ~~Licence~~ Licence-Coordinator's determination:
- a) the Business was improperly licensed; or
  - b) the requirements of this bylaw have not been complied with; or
  - c) the Business has changed to the extent that a new Application for the Business Registry ~~L~~ Licence would be refused; or
  - d) the Business is in contravention of Town bylaws, safety or fire codes, health regulations or any other federal, provincial or municipal requirement.
- 9.12. Notwithstanding section 9.11, where a person or Business is found to be in contravention of any of the provisions of this or any other bylaw, a Peace Officer or Business Registry ~~licence~~ licence-Coordinator may temporarily suspend the Business licence until such time as the contraventions are rectified.
- 9.13. Notice of the suspending or revoking of a Business Registry Licence shall be given to the applicable Licensee by:

- a) delivery of a notice to the email address or physically mailing to the address shown on the Application for licence; or
- b) sending a notice by any ~~of Canada Post's methods~~ method allowing for receipt signature to the address shown on the Business Registry Licence account~~Application for a licence~~.

9.14. When a Business is ~~removed-cancelled and the~~ Business' account is deactivated from the registry, the Applicant is not entitled to any refund of registration fees; unless an Applicant has paid for a Business Registry Licence while awaiting approval for another Town permit, and that permit is refused.

9.14.1 ~~Any Advertising of Businesses, trades or occupations within the Town~~ shall be deemed to be prima facie proof of the fact that the person is carrying on or operating any such Business, ~~trade or occupation.~~

2021-01

9.14.2 Any physical evidence of Business Advertisement or Business activity within a Business Premises shall be considered prima facie proof that the person is carrying on or operating such Business.

## 10: DECISION REVIEW

10.1. Where a person disputes the decision of a Peace Officer or Business Registry ~~Licence~~ Coordinator with respect to the requirement to obtain a Business Registry Licence, or where a person disputes the decision of a Peace Officer or Business Registry ~~Licence~~ Coordinator to refuse, revoke or suspend the person's Business Registry Licence, that person may in writing request the Enforcement Appeal Review Committee to review the decision.

2022-11

10.2. *Repealed 2022-11*

10.3. When a request to review has been submitted, the Business in question may remain licensed until final determination is made by the Enforcement Appeal Review Committee.

2022-11

## 11: VIOLATIONS

11.1. In prosecution for a contravention of this bylaw ~~a bylaw against engaging or operating a Business without a licence~~, proof of one transaction in or with the Business, or that the Business has been Advertised is sufficient to establish that a person is engaged in or operates the Business.

## 12: ENACTMENT/TRANSITION

12.1. Council shall hold a public hearing that follows the process set out in the Municipal Government Act regarding public hearings prior to second reading of any bylaw intended to amend Schedule A of this bylaw.

12.2. If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.

12.3. Schedule A forms part of this bylaw.

12.4. Bylaw 2010-14 and its amendments are repealed.

12.5. This bylaw shall come into force on May 1, 2015.

## OFFICE CONSOLIDATION

This document is a consolidation of a bylaw with one or more amending bylaws. Anyone making use of this consolidation is reminded that it has no legislative sanction. Amendments have been included for convenience of reference only. The approved bylaws should be consulted for all purposes of interpreting and applying the law.

Bylaws included in this consolidation:

2015-02	Business Registry Bylaw
2021-02	Business Registry Bylaw Amendment – Omnibus
2022-11	Enforcement Appeal Review Committee
<a href="#">2024-27</a>	<a href="#">Business Registry Bylaw Amendment - Omnibus</a>

RFD Submitted October 15, 2024



**SCHEDULE A – BUSINESS REGISTRY LICENCE FEES**

2021-01

Accommodations based on the number of rooms	
Bed and Breakfast	<del>\$130</del> <u>150</u>
<u>Tourist Home</u>	<u>\$150</u>
Hotels, Motels, Inns, Hostels, <del>Bed &amp; Breakfasts</del> : 1-49 rooms	<del>\$495</del> <u>225</u>
Hotels, Motels, Inns, Hostels, <del>Bed &amp; Breakfasts</del> : 50 – <del>150</del> <u>100</u> rooms	<del>\$325</del> <u>375</u>
Hotels, Motels, Inns, Hostels, <del>Bed &amp; Breakfasts</del> : <del>150</del> <u>100</u> + rooms	<del>\$520</del> <u>600</u>
<b>Construction &amp; Development</b>	
Contractor/Trade Person	<del>\$130</del> <u>150</u>
Builder: < 15 units/year	<del>\$325</del> <u>375</u>
Builder: > 15 units/year	<del>\$520</del> <u>600</u>
Developer & Commercial/Industrial: <del>projects over 1,500 sq. m</del>	<del>\$1,040</del> <u>1200</u>
<b>General</b>	
Auto Dealership ( <del>5 or more employees</del> )	<del>\$520</del> <u>600</u>
Banking & Commercial Lending Institutions	<del>\$520</del> <u>600</u>
Busker	<del>\$32.50</del> <u>40</u>
Golf Courses	<del>\$520</del> <u>600</u>
Home Occupation Class 1 and Class 2	<del>\$130</del> <u>150</u>
Micro-Business	<del>\$32.50</del> <u>40</u>
Property Management <del>&gt; 15 units</del>	<del>\$520</del> <u>600</u>
Real Estate Brokers	<del>\$520</del> <u>600</u>
Umbrella Rider	50% of the applicable Business Registry fee to a maximum of \$300
Voluntary Registration for Exempt Businesses	<del>\$50</del> <u>40</u>
<b>Hawkers and Vendors</b>	
1 day	\$25
2-3 days	\$50
1 year	\$150

<b>Non-Resident Business</b>	
Annual Licence	\$600
Temporary Licence: <del>3</del> <u>2</u> days	<del>\$75</del> <u>50</u>
Temporary Licence: 1 month	\$150
Temporary Licence: 3 months	\$200
Temporary Licence: 6 months	\$300
<b>Restaurants &amp; Bars (excludes outdoor patio seating)</b>	
Restaurants: 0 - 35 seats	<del>\$130</del> <u>150</u>
Restaurants: 36 - 69 seats	<del>\$325</del> <u>375</u>
Restaurants: >69 seats	<del>\$520</del> <u>600</u>
<b>Retail/ Commercial/ Wholesale/Industrial</b>	
Resident Business: <300 sq.m	<del>\$130</del> <u>150</u>
Resident Business: 300 sq. m to 1,500 sq.m	<del>\$325</del> <u>375</u>
Resident Business: > 1,500 sq. m.	<del>\$1,040</del> <u>1200</u>
Gasoline Retail	<del>\$325</del> <u>375</u>
<b>Special Events</b>	
	\$75 per day
<b>Administrative Fees</b>	
<del>Business Name Change</del>	<del>\$25</del>



## BYLAW 2024-27

### A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, TO AMEND BUSINESS REGISTRY LICENCE BYLAW 2015-02

---

The Council of the Town of Canmore, in the Province of Alberta, duly assembled, enacts as follows:

#### TITLE

- 1 This bylaw shall be known as “Business Registry Licence Bylaw Amendment 2024-27 – Omnibus.”

#### INTERPRETATION

- 2 Words defined in Bylaw 2015-02 shall have the same meaning when used in this bylaw.

#### PROVISIONS

- 3 Bylaw 2015-02 is amended by this bylaw.

- 4 Section 2.2 is amended

- a) by striking out “dedicated to” and substituting “allocated to the”;
- b) by striking out “purposes of the Town” and substituting “reserve and utilized”.

- 5 Section 3.2 is amended by adding the following definitions in alphabetical order:

“Bed and Breakfast” has the same meaning as set out in the Town of Canmore Land Use Bylaw;

“Independent Contractors” means a person contracted to perform work for another entity as a non-employee;

“Peace Officer” means

- a) a person appointed as a bylaw enforcement officer pursuant to the Municipal Government Act,
- b) a person appointed as a Peace Officer pursuant to the Peace Officer Act, or
- c) a police officer;

“Private Client” means an individual or entity that receives personalized financial, legal, or professional services tailored to their specific needs in exchange for financial compensation;

“Rental Platform” means an online service or marketplace that facilitates the listing, discovery, and booking of rental properties, such as Tourist Homes and vacation rentals, for short-term periods typically ranging from a single night to several weeks;

“Tourist Home” has the same meaning as set out in the Town of Canmore Land Use Bylaw;

"Town-Approved Event" means an event that utilizes Town property with approval from the Town, which may include a facility rental agreement and/or a Community Event Permit;

"Voluntary Registration" means a profession, organization, society, charity or non-profit that is exempt from requiring a Business license as per the Municipal Government Act, their professional governing Act, or this bylaw that voluntarily registers for a Business Registry Licence.

- 6 Section 3.2 is amended by repealing the definitions for "Community Special Events" and "Special Events".
- 7 Section 3.2 "Advertise" is amended by inserting "or 'Advertisement'" after "Advertise".
- 8 Section 3.2 "Business Premises" is amended by inserting "location, building, or establishment where a place of Business, commercial or industrial activity is undertaken or where professional, personal or other services are provided to the public, typically for monetary gain including but not limited to" between "means a" and "any store".
- 9 Section 3.2 "Business Registry Licence Coordinator" is amended by striking out "Licence" and adding "as designated by the chief administrative officer".
- 10 Section 3.2 "Dwelling Unit" is amended by striking out "means as defined under the Town's Land Use Bylaw" and substituting "has the same meaning as set out in the Town of Canmore Land Use Bylaw as amended".
- 11 Section 3.2 "Home Occupation – Class 1" is amended by striking out "means an accessory use of a Dwelling Unit by a resident for a small-scale Business which is incidental to the primary use as a residence, undetectable from outside the Dwelling Unit" and substituting "has the same meaning as set out in the Town of Canmore Land Use Bylaw".
- 12 Section 3.2 "Home Occupation – Class 2" is amended by striking out "means an accessory use of the Dwelling Unit or private garage by a resident for a small-scale Business which is incidental to the primary use as a residence and that has been issued a home occupation – Class 2 development permit in accordance with the Town's Land Use Bylaw" and substituting "has the same meaning as set out in the Town of Canmore Land Use Bylaw".
- 13 Section 3.2 "Micro-Business" is amended by striking out "side".
- 14 Section 3.2 "Umbrella Rider" is amended
  - a) by striking out "owner",
  - b) by striking out "owners Business Premises without purchasing" and substituting "Licensee's Business Premises for a maximum of three (3) consecutive days without the other Business having to purchase a separate".

- 15 The following sections are amended by striking out “Licence” in “Business Registry Licence Coordinator:

- Section 4
- Section 4.1
- Section 4.2
- Section 4.3
- Section 5.12.2
- Section 5.14.1
- Section 6.1
- Section 6.2
- Section 6.7.1
- Section 8.2c)
- Section 9.3
- Section 9.11
- Section 9.12
- Section 10.1

- 16 The following is added after section 5.1:

5.1.1. All Independent Contractors that Carry On Business in the Town must hold and maintain a valid Business Registry Licence.

- 17 The following is added after section 5.2.1:

5.2.2 The owner of a property who offers or operates the property as a Tourist Home must obtain a separate Business Registry Licence for each Tourist Home location and pay a separate fee for each licence.

- 18 Section 5.7 is amended by striking out “Community Special Event” and substituting “Town-Approved Event”.

- 19 Section 5.8 is amended

- a) by striking out “Community Special Event” and substituting “Town-Approved Event” wherever it occurs,
- b) by striking out “community special” in subsection b).

- 20 Section 5.9 is amended

- a) by striking out “Community Special Event” and substituting “Town-Approved Event” wherever it occurs,
- b) in subsection c) by striking out “community special”.

- 21 Section 5.10 is amended

Bylaw approved by: \_\_\_\_\_

- a) in subsection d) by striking out “included” and substituting “covered” and by striking out “Umbrella Licence” and substituting “Umbrella Rider”,
  - b) in subsection e) by striking out “included” and substituting “covered”, by inserting special event Business Registry” before “Licence”, and by striking out “a community special” and substituting “an”.
- 22 Section 5.11 is amended by striking out “Community Special Event” and substituting “Town-Approved Event”.
- 23 Section 5.12.1 is amended by striking out “the” before “Alberta Public Health” and by striking out “Officer” after “Alberta Public Health”.
- 24 Section 5.12.2 is amended by inserting “the” before “Business Registry Coordinator” and inserting “or a Peace Officer” after “Business Registry Coordinator”.
- 25 Section 5.13.2 is amended by inserting “busking” before “conditions” and inserting “and locations” before “set out”.
- 26 Section 5.14 is amended by striking out “A Business Registry Licence does not authorize or permit the Licensee to Carry On Business or any other pursuit in contravention of the provisions of other Town bylaws and other applicable provincial or federal acts, regulations, standards and codes” and substituting “The holder of a Business Registry Licence is required to comply with all Town bylaws and all applicable provincial or federal acts, regulations, standards, and codes”.
- 27 Section 5.14.1 is amended
- a) by inserting “or holder of the Business Registry Licence” after “The Business owner”,
  - b) by striking out “license category (e.g. changing from resident commercial Business to a home occupation.”
- 28 The following two sections are added after section 5.14.1:
- 5.14.2.a If the Business undergoes a change in its Business Registry Licence category, for example transitioning from a Home Occupation to a Resident Business category, the Business owner must submit an Application for the new category of licence.
- 5.14.3.b If applicable, Business Registry Licence fees already paid for the current licence year may be applied towards the fee for the new licence category subject to the following:
- a) where the new licence fees are higher than the fees already paid for the year, the Business owner will be responsible for paying the difference in fees, and

- b) where the new licence fees are lower than the fees already paid for the year, the difference in licence fees remains non-refundable.

- 29 Section 6.2 is amended by striking out “approved” and substituting “issued”.
- 30 Section 6.3 is amended by inserting “, Micro-Businesses, Home Occupation – Class 2, or a Bed and Breakfast Business Registry Licence holder” after “Temporary Licence”.
- 31 Section 6.4 is amended by inserting “, Micro-Businesses, Home Occupation – Class 2, or a Bed and Breakfast Business Registry Licence holder” after “Temporary Licence”.
- 32 Section 6.5 is repealed.
- 33 Section 6.6 is amended by striking out “regardless of” and substituting “in addition to”.
- 34 Section 6.7 is amended by striking out “If an Applicant for a resident Business Registry Licence satisfies the Business Registry Licence Coordinator by way of written declaration that the gross annual revenue of the Business is \$30,000.00 or less, the Applicant shall qualify for the Micro-Business Licence fee as provide provided for in Schedule A.” and substituting “If an Applicant for a Home Occupation – Class 1, Home Occupation – Class 2, or Businesses operating in a co-working space completes a Business Registry License application confirming a gross annual revenue of less than \$30,000, the Applicant is eligible to pay the Micro-Business Licence fee set out in in Schedule A.”
- 35 Section 6.9 is repealed.
- 36 The following is added after section 6.9:
  - 6.10 Out-of-town contractors who receive payment for services such as providing educational, training or leadership development services to registered not-for-profits sport organizations may qualify for the residential license fee in accordance with Schedule A under the following conditions:
    - a) the Application is accompanied by a letter confirming the not-for-profit status of the sports organization under the Societies Act, and
    - b) they do not provide services to for-profit organizations or Private Clients in the Town.
- 37 Section 7.1 is amended by striking out “automatically terminate” and substituting “expire”.
- 38 Section 8.1 is amended by inserting “or Tourist Home” between “premises” and “of the Licensee”.
- 39 The following is added after section 8.1:

8.1.1. Tourist Homes must include the Town of Canmore Business Registry Licence number in all Advertising, including on any Rental Platforms, and such Business Registry Licence number must be immediately visible to any member of the public.

40 Section 8.2 is amended

- a) by inserting “or whose premises are not in the Town” between “fixed location” and “the license must be”,
- b) in subsection b) by striking out “and” and substituting “or”.

40.1 Section 9.2 is amended by striking out “unlawfully completes the written declaration required under” and substituting “provides false information for the purpose of qualifying for a Micro-Business Licence fee in accordance with”.

40.2 The following is added after section 9.1:

9.1.1 Notwithstanding section 9.1, any person operating a Tourist Home for short-term rental in an area not permitted by the Land Use Bylaw is in contravention of this bylaw and is guilty of an offence and is liable for the following penalties: first offence within a calendar year \$2,500, second offence \$5,000, and \$10,000 for third or subsequent offences.”

41 Section 9.5 is amended

- a) in subsection b) by adding “or”,
- b) by adding the following after subsection b):
  - c) by email to their last known email address on file.

42 Section 9.13 is amended

- a) in subsection a) by inserting “the email address or physically mailing to” between “notice of” and “the address”,
- b) in subsection b)
  - (i) by striking out “of Canada Post’s methods” and substituting “method”,
  - (ii) by striking out “Application for a licence” and substituting “Business Registry Licence account”.

43 Section 9.14 is amended by striking out “removed” and substituting “cancelled and the Business’ account is deactivated”.



44 Section 9.14.1 is amended

- a) by striking out “, trades or occupation” and substituting “within the Town”,
- b) by striking out “trade or occupation”.

45 The following is added after section 9.14.1:

9.14.2 Any physical evidence of Business Advertisement or Business activity within a Business Premises shall be considered prima facie proof that the person is carrying on or operating such Business.

46 Section 11.1 is amended

- a) by striking out “a bylaw against engaging or operating a Business without a licence” and substituting “this bylaw”,
- b) by inserting “or with” between “transaction” and “the Business”.

47 Schedule A is repealed and Schedule A of this bylaw is substituted.

48 Bylaw 2015-02 is amended by striking out title numbers and numbering all sections in chronological order.

#### **ENACTMENT/TRANSITION**

49 If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.

50 Schedule A forms part of this bylaw.

51 This bylaw comes into force on the date it is passed.

FIRST READING: October 15, 2024

PUBLIC HEARING:

SECOND READING:

THIRD READING:

Bylaw approved by: \_\_\_\_\_

Page 7 of 10

Approved on behalf of the Town of Canmore:

\_\_\_\_\_  
Sean Krausert  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Cheryl Hyde  
Manager, Municipal Clerk's Office

\_\_\_\_\_  
Date

Bylaw approved by: \_\_\_\_\_

**SCHEDULE A – BUSINESS REGISTRY LICENCE FEES**

2021-01

<b>Accommodations based on the number of rooms</b>	
Bed and Breakfast	\$150
Tourist Home	<b>\$150</b>
Hotels, Motels, Inns, Hostels: 1-49 rooms	\$225
Hotels, Motels, Inns, Hostels: 50 – 100 rooms	\$375
Hotels, Motels, Inns, Hostels: 100 + rooms	\$600
<b>Construction &amp; Development</b>	
Contractor/Trade Person	\$150
Builder: < 15 units/year	\$375
Builder: > 15 units/year	\$600
Developer & Commercial/Industrial	\$1200
<b>General</b>	
Auto Dealership	\$600
Banking & Commercial Lending Institutions	\$600
Busker	\$40
Golf Courses	\$600
Home Occupation Class 1 and Class 2	\$150
Micro-Business	\$40
Property Management	\$600
Real Estate Brokers	\$600
Umbrella Rider	50% of the applicable Business Registry fee to a maximum of \$300
Voluntary Registration for Exempt Businesses	\$40
<b>Hawkers and Vendors</b>	
1 day	\$25
2-3 days	\$50
1 year	\$150

Bylaw approved by: \_\_\_\_\_

<b>Non-Resident Business</b>	
Annual Licence	\$600
Temporary Licence: 2 days	\$50
Temporary Licence: 1 month	\$150
Temporary Licence: 3 months	\$200
Temporary Licence: 6 months	\$300
<b>Restaurants &amp; Bars (excludes outdoor patio seating)</b>	
Restaurants: 0 - 35 seats	\$150
Restaurants: 36 - 69 seats	\$375
Restaurants: >69 seats	\$600
<b>Retail/ Commercial/ Wholesale/Industrial</b>	
Resident Business: <300 sq.m	\$150
Resident Business: 300 sq. m to 1,500 sq.m	\$375
Resident Business: > 1,500 sq. m.	\$1200
Gasoline Retail	\$375
<b>Special Events</b>	\$75 per day



**BYLAW 2015-02 REDLINE VERSION**  
**Office Consolation current as of July 7, 2022**

**A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, TO  
 PROVIDE FOR BUSINESS REGISTRY LICENCING**

---

The Council of the Town of Canmore, in the Province of Alberta, duly assembled, enacts as follows:

**1: TITLE**

1.1. This bylaw shall be known as “Business Registry Licence Bylaw 2015-02.”

**2: PURPOSE**

2.1. The purpose of this bylaw is to create a registry of Businesses operating in the Town of Canmore in order to identify and understand Business activity in the municipality.

2.2. The revenues generated from Business Registry licensing fees shall be ~~dedicated to~~ allocated to the economic development ~~reserve and utilized purposes of the Town~~ as determined by Council.

**3: INTERPRETATION**

3.1. Words which have been defined in the *Municipal Government Act*, the *Peace Officer Act* and the *Interpretation Act* shall have the same meaning when used in this bylaw.

3.2. In this bylaw,

“Advertise” or “Advertisement” means to promote, describe or publicize merchandise or services in a public forum including but not limited to commercial vehicles, newspapers, flyers, radio, television, fax communications or internet communications; however created and distributed;

“Agent” means a person hired to represent another person or a commercial Business;

“Applicant” means a person who applies for a Business Registry Licence or a renewal of the Business Registry Licence in accordance with this bylaw;

2021-01

“Application” means a written application submitted to the Town of Canmore for a Business Registry Licence or a renewal of a Business Registry Licence, in accordance with this bylaw;

2021-01

“Bed and Breakfast” has the same meaning as set out in the Town of Canmore Land Use Bylaw;

“Business” means:

- a) a commercial, merchandising, marketing or industrial activity or undertaking that invoices for goods or services;
- b) a profession, trade, occupation, calling or employment; or
- c) an activity providing goods or services, whether or not for profit and however organized or formed, including a co-operative or association of persons;

“Business Premises” means a location, building, or establishment where a place of Business, commercial or industrial activity is undertaken or where professional, personal or other services are provided to the public, typically for monetary gain including but not limited to any store, office, warehouse, residence, yard or other place occupied for the purpose of carrying on a Business that is an approved use under the Town’s Land Use Bylaw;

2021-01

“Business Registry” means a list of all Businesses that have been issued a Business Registry Licence;

“Business Registry Licence” means a licence issued in accordance with this bylaw;

“Business Registry Licence-Coordinator” means a person hired to administer and issue Business Registry Licences as designated by the chief administrative officer;

“Busker” means a person who performs entertainment in a public place while soliciting money;

“Carry On” means conduct, operate, perform, keep, hold, occupy, deal in, or use, for gain, whether as principal or Agent;

~~“Community Special Events” are events that have been issued a community special event permit by the Town; Repealed 2024-27~~

“Dwelling Unit” has the same meaning as set out in the Town of Canmore Land Use Bylaw as amended; ~~means as defined under the Town’s Land Use Bylaw;~~

2021-01

“General Contractor” means the owner of a Business who enters into contracts for the erection, alteration, construction, repair of buildings or structures of any kind and includes any owner of property who supervises the erection, construction, alteration and repair of buildings or structures where a General Contractor is not engaged in such a project;

“Hawker” means any person who, whether as principal or Agent, goes from door to door selling or offering for sale any merchandise or -service, or both, to any person and who is not a wholesale or retail dealer in that merchandise or service, and who does not have a permanent place of Business in the Town;

“Home Occupation – Class 1” has the same meaning as set out in the Town of Canmore Land Use Bylaw; ~~means an accessory use of a Dwelling Unit by a resident for a small-scale Business which is incidental to the primary use as a residence, undetectable from outside the Dwelling Unit;~~

2021-01

“Home Occupation – Class 2” has the same meaning as set out in the Town of Canmore Land Use Bylaw; ~~means an accessory use of the Dwelling Unit or private garage by a resident for a small-scale Business which is incidental to the primary use as a residence and that has been issued a Home Occupation – Class 2 development permit in accordance with the Town’s Land Use Bylaw;~~

2021-01

“Independent Contractors” means a person contracted to perform work for another entity as a non-employee;

“Licensee” means the holder of a Business Registry Licence;

“Micro-Business” means a Business earning less than \$30,000 a year in gross annual revenue; including but not limited to a ~~side~~-Business without material expenditure of time, with a single product or service;

2021-01

“Non-Resident Business” means a Business that carries on activities, in whole or in part, within the Town, but

- a) does not maintain a permanent place of Business within Canmore, or
- b) does not maintain a permanent place of Business in a neighbouring jurisdiction where that jurisdiction has an inter-municipal service agreement with the Town of Canmore;

“Peace Officer” means

- a) A person appointed as a bylaw enforcement officer pursuant to the Municipal Government Act,
- b) a person appointed as a Peace Officer pursuant to the Peace Officer Act, or
- c) a police officer;

“Private Client” means an individual or entity that receives personalized financial, legal, or professional services tailored to their specific needs in exchange for financial compensation;

“Rental Platform” means an online service or marketplace that facilitates the listing, discovery, and booking of rental properties, such as Tourist Homes and vacation rentals, for short-term periods typically ranging from a single night to several weeks;

“Resident Business” means a Business that:

- a) maintains a permanent place of Business within the boundaries of the Town; or
- b) maintains a permanent place of Business in a neighbouring jurisdiction where that jurisdiction has an inter-municipal service agreement with the Town of Canmore;

~~“special events” are events that have been issued a special events permit by the Town;~~ Repealed 2024-27

“Sub-Contractor” means a person hired by a General Contractor to provide goods or services in relation to a particular trade, project or contract;

“Temporary Licence” means a Business Registry Licence issued to a Non-Resident Business for one of the following time periods:

- a) three days;
- b) one month;
- c) three months;
- d) six months;

2021-01

“-Tourist Home” has the same meaning as set out in the Town of Canmore Land Use Bylaw;

“Town” means the Town of Canmore in the Province of Alberta or the land lying within the corporate limits of the Town, as the context requires;

"Town-Approved Event" means an event that utilizes Town property with approval from the Town, which may include a facility rental agreement and/or a Community Event Permit;

“Umbrella Rider” means an annual fee paid by a licensed Resident Business ~~owner~~ to allow one or more other Businesses to be carried out on the ~~owners Business Premises~~ without purchasing Licensee’s Business Premises for a maximum of three (3) consecutive days without the other Business having to purchase a separate Business Registry Licence;

“Vendor” means any person who, whether as a principal or Agent, offers or exposes for sale to any other person, processed or unprocessed foodstuffs, services, or retail items from:

- a) a push-cart, wagon, or other wheeled or skidded vehicle; or
- b) a mobile preparation unit; or
- c) a stall, booth, table or space;

“Violation Tag” means a municipal tag or similar document issued by a Peace Officer in relation to an offence under this bylaw;

“Violation Ticket” means a ticket issued pursuant to the Provincial Offences Procedures Act, as amended, and the regulations thereunder;

"Voluntary Registration" means a profession, organization, society, charity or non-profit that is exempt from requiring a Business license as per the Municipal Government Act, their professional governing Act, or this bylaw that voluntarily registers for a Business Registry Licence.

#### 4: DUTIES OF THE BUSINESS REGISTRY ~~LICENCE~~ COORDINATOR

4.1. The Business Registry ~~Licence~~ Coordinator shall:

- a) grant and renew Business Registry ~~L~~icences,
- b) maintain appropriate records pertaining to the licensing of Businesses, infractions of this bylaw, and generally all matters arising out of the Application, and
- ~~b)c)~~ enforce this bylaw.

2021-01

4.2. The Business Registry ~~Licence~~ Coordinator may refuse to grant and renew a Business Registry ~~L~~icence if, in their determination:

- a) the Applicant is in breach of this or any other bylaw of the Town, or any applicable municipal, provincial, or federal statute or regulation; or



- b) the Applicant does not hold current and valid municipal, provincial or federal permits, approvals, licences, clearances or insurances as required by the relevant municipal, provincial or federal bylaws, statutes or regulations.

2021-01

- 4.3. When an Application has been refused, the Business Registry ~~Licence~~ Coordinator shall provide written reasons for the refusal.

## 5: REGISTRATION PROVISIONS

- 5.1. Except as otherwise provided for in this bylaw, no person shall Carry On any Business in the Town without first having obtained a Business Registry Licence for the Business prior to the first day of operation.

2021-01

5.1.1. All Independent Contractors that Carry On Business in the Town must hold and maintain a valid Business Registry Licence.

- 5.2. An owner of a Business shall obtain a Business Registry Licence for each physical address, premises, or location where the Business is carried on within the Town, and a separate fee shall be paid for each location's licence.

2021-01

- 5.2.1 Businesses that do not require a development permit may be subject to additional conditions, including but not limited to proof of liability insurance and pre-approved route of operation on public roads.

2021-01

5.2.2 The owner of a property who offers or operates the property as a Tourist Home must obtain a separate Business Registry Licence for each Tourist Home location and pay a separate fee for each licence.

- 5.3. When one owner is carrying on more than one Business from the same premises, the owner shall obtain a separate Business Registry Licence for each Business.

- 5.4. When two or more owners are carrying out separate Businesses from the same premises:

- a) each owner shall obtain a Business Registry Licence for each Business, or  
b) one of the owners shall add an Umbrella Rider to their existing Business Registry Licence if applicable in accordance with section 5.7 of this bylaw.

2021-01

- 5.5. An Umbrella Rider may be added to an existing resident Business Registry Licence to allow one or more separate Businesses to be carried out on the Business Premises without obtaining separate Business Registry Licences for a maximum of 3 consecutive days.

5.6. *Repealed 2021-01*

- 5.7. Umbrella Riders shall not apply to:

- a) Businesses that Advertise their goods or services as being provided from the licensed Business' premises for a period of time greater than 3 days, or
- b) Maintenance, repair and construction services, or
- c) Businesses carried out as part of a ~~Town-Approved Event~~community special event.

2021-01

5.8. When a Business is carried out as part of a ~~Town-Approved Event~~community special event:

- a) The owner shall obtain a Business Registry Licence, or
- b) The organizer of a ~~Town-Approved Event~~community special event shall obtain one Business Registry events licence to allow one or more separate Businesses to be carried out as part of the ~~community special~~ event.

2021-01

5.9. When two or more owners are carrying out separate Businesses from the same premises or for the same construction project or ~~Town-Approved Event~~community special event:

- a) a Business owner is responsible for ensuring that all separate Businesses being carried out on their Business ~~P~~premises hold a valid Business Registry Licence or are included under the owner's ~~umbrella rider~~Umbrella Rider, or events licence.
- b) A General Contractor is responsible for ensuring that all of their Sub-Contractors hold a valid Business Registry Licence, and
- c) The organizer of a ~~Town-Approved Event~~community special event is responsible for ensuring all separate Business being carried out as part of the ~~community special~~ event hold a valid Business Registry Licence or are included under the organizer's Business Registry special events licence.
- c.1) The organizer of a film production or a photoshoot conducted within the Town is responsible for ensuring all separate Businesses being carried out as part of the film production or photoshoot hold a valid Business Registry Licence;

2021-01

5.10. A Business shall be exempted from the requirements of this bylaw if:

- a) the Business is carried on by the Town, the government of Canada or the Province of Alberta, or
- b) the Business provides goods or services exclusively to the Town, the government of Canada or the Province of Alberta, or
- c) the Business provides written proof that they are exempt under a statute of Canada or the Province of Alberta, or

- d) the Business is ~~included-covered~~ under the ~~umbrella licence~~ Umbrella Rider of another Business, or
- e) the Business is ~~included-covered~~ under a special event Business Registry Licence obtained by an ~~community special~~ event organizer.

f) *Repealed 2021-01*

5.11. A Business shall be exempted from all provisions of this bylaw except for the requirement to obtain a licence to cover Business activities held as part of a Town-Approved Event ~~community special event~~ if:

- a) the Business has been exempted by the Town from municipal property taxation, or
- b) the Business is a registered charitable or non-profit organization.

5.12. *Repealed 2021-01*

5.12.1. The Applicant is solely responsible for ensuring that all municipal, provincial and/or federal approvals (which may include but not be limited to those provided by ~~the~~ Alberta Public Health ~~Officer~~, Fire, Police, Building Inspector, Alberta Liquor and Gaming Commission, or Alberta Motor Vehicle Industry Council) that are required for the carrying out of any Business, trade, or occupation have been received prior to operating of the Business and are maintained in good standing throughout the duration of the term of the Business licence and any renewal thereof.

Bylaw 2021-01

5.12.2. Copies of all such licences, permits and approvals referred to in section 5.12.1 must be provided to ~~the~~ Business Registry ~~Licence~~-Coordinator or a Peace Officer upon request.

2021-01

5.13. A Business Registry Licence shall not be transferred from one person to another, and a new Business Registry Licence shall be required upon transfer of Business ownership.

2021-01

5.13.1. When a Business has been transferred from one person to another, the Applicant must provide evidence of a transfer or assignment of the interests of the existing Licensee or of the location of the Business.

2021-01

5.13.2. Buskers must be in possession of a Business Registry Licence and must comply with all busking conditions and locations set out in the Town's busking permit.

2021-01

5.14. ~~A Business Registry Licence does not authorize or permit the Licensee to Carry On Business or any other pursuit in contravention of the provisions of other Town bylaws and other applicable provincial or federal acts, regulations, standards and codes.~~ The holder of a Business Registry Licence is required to comply with all Town bylaws and all applicable provincial or federal acts, regulations, standards, and codes.

5.14.1. The Business owner or holder of the Business Registry Licence is responsible for notifying the Business Registry ~~Licence~~ Coordinator of any changes to the Business, including, ~~licence category (e.g. changing from resident commercial Business to a home occupation)~~, physical location, mailing address, primary contact, Business owner, Business name, or Business phone number, mailing address or website and for paying fees in accordance with Schedule A.

2021-01

5.14.2.a If the Business undergoes a change in its Business Registry Licence category, for example transitioning from a Home Occupation to a Resident Business category, the Business owner must submit an Application for the new category of licence.

5.14.3.b If applicable, Business Registry Licence fees already paid for the current licence year may be applied towards the fee for the new licence category subject to the following:

- a) where the new licence fees are higher than the fees already paid for the year, the Business owner will be responsible for paying the difference in fees, and
- b) where the new licence fees are lower than the fees already paid for the year, the difference in licence fees remains non-refundable.

5.14.2. A Business owner is responsible for notifying the Business Registry ~~Licence~~ Coordinator if their Business ceases to operate within Canmore and is subject to paying any outstanding licence fees prior to the licence being cancelled.

2021-01

## 6: APPLICATION AND FEES

6.1. An Applicant for a Business Registry ~~L~~licence shall complete an Application on the approved form, furnishing such information as the form shall require and such additional information as the Business Registry ~~Licence~~ Coordinator may reasonably require.

6.2. A Business Registry ~~L~~licence or the renewal of a Business Registry ~~L~~licence shall not be ~~approved issued~~ by the Business Registry ~~Licence~~ Coordinator until the fees set out in Schedule A are received by the Town.

2021-01

6.3. Any Business, except for a Business that has been issued a ~~T~~emporary ~~L~~licence, Micro-Businesses, Home Occupation – Class 2, or a Bed and Breakfast Business Registry Licence holder, that renews an existing Business Registry Licence, or that commences Business on or after January 1 and on or before June 30 shall pay the full amount of the Business Registry ~~L~~licence fee provided for in Schedule A.

6.4. Any Business, except for a Business that has been issued a ~~temporary licence~~ Temporary Licence, Micro-Businesses, Home Occupation – Class 2, or a Bed and Breakfast Business Registry Licence holder, that commences Business on or after July 1 and on or before September 30 shall pay 50% of the annual Business Registry Licence fee provided for in Schedule A.

2021-01

6.5. ~~Any Business, except for a Business that has been issued a Temporary Licence, that commences Business on or after October 1 shall pay 25% of the annual Business Registry licence fee provided for in Schedule A.~~ Repealed

2021-01

- 6.6. A Non-Resident Business shall pay a non-resident Business Registry Licence fee provided for in Schedule A, in addition to ~~regardless of~~ any other category that may apply to the Business.
- 6.7. If an Applicant for a Home Occupation – Class 1, Home Occupation – Class 2, or Businesses operating in a co-working space completes a Business Registry License application confirming a gross annual revenue of less than \$30,000, the Applicant is eligible to pay the Micro-Business Licence fee set out in in Schedule A. ~~If an Applicant for a resident Business Registry Licence satisfies the Business Registry Licence Coordinator by way of written declaration that the gross annual revenue of the Business is \$30,000.00 or less, the Applicant shall qualify for the Micro-Business licence fee as provide provided for in Schedule A.~~
- 2021-01
- 6.7.1 The Business Registry ~~Licence~~ Coordinator may request, and the Applicant shall provide, upon request, any further documentation deemed necessary by the Business Registry ~~licence~~ Coordinator.
- 2021-01
- 6.8. Any Business exempted from this bylaw may voluntarily obtain a Business Registry Licence by completing the Application and paying the applicable fee in accordance with Schedule A.
- 6.9. ~~An owner may change the licenced name of their Business upon payment of a fee in accordance with Schedule A.~~ Repealed 2024-27
- 6.10. Out-of-Town contractors who receive payment for services such as providing educational, training or leadership development services to registered not-for-profits sports organizations may qualify for the residential license fee in accordance with Schedule A under the following conditions:
- a) the Application is accompanied by a letter confirming the not-for-profit status of the sports organization under the Societies Act; and
  - b) they do not provide services to for-profit organizations or Private Clients in the Town.

## 6.7: TERM OF LICENCE

- 7.1. Each licence issued pursuant to this bylaw shall ~~automatically terminate~~ expire at midnight on the 31<sup>st</sup> day of December in the calendar year for which such licence was issued except for:
- a) Business Registry Licence issued to Home Occupations – Class 2, which will expire on the same date as the development permit, and
  - b) ~~temporary licence~~ Temporary Licences, which will expire on midnight on the expiry date on the Business Registry Licence.

## 8: POSTING OR PRODUCTION OF LICENCE

8.1. All licences issued pursuant to this bylaw shall be posted in a conspicuous place on the Business Premises or Tourist Home of the Licensee so as to be clearly visible to the public.

8.1.1 Tourist Homes must include the Town of Canmore Business Registry Licence number in all Advertising, including on any Rental Platforms, and such Business Registry Licence number must be immediately visible to any member of the public.

~~8.1.8.2.~~ For those Businesses that are not carried on at a fixed location; ~~or whose Business Premises are not in Town,~~ the licence must be:

- a) carried on the person of the Licensee; or
- b) carried in or on the vehicle or apparatus from which such Business is conducted; ~~and/or~~
- b.1) available for immediate viewing on a digital device; and
- c) shown to a Peace Officer, Business Registry ~~Licensee~~-Coordinator or members of the public upon demand.

2021-01

2021-01

~~8.2.8.3.~~ All licences issued pursuant to this bylaw remain the property of the Town.

## 9: INSPECTION AND ENFORCEMENT

9.1. Any person who contravenes a provision of this bylaw is guilty of an offence and shall be liable for a penalty of \$250.00 for a first offence, \$500.00 for a second offence, and \$1,000.00 for third or subsequent offences, plus the applicable licence fee in accordance with Schedule A.

9.1.1 Notwithstanding section 9.1, any person operating a Tourist Home for short-term rental in an area not permitted by the Land Use Bylaw is in contravention of this bylaw and is guilty of an offence and is liable for the following penalties: first offence within a calendar year \$2,500, second offence \$5,000, and \$10,000 for third or subsequent offences.

9.2. Notwithstanding section 9.1, any person who ~~unlawfully completes the written declaration required under~~ unlawfully completes the written declaration required under section 6.7 shall be liable for a minimum penalty of \$1,500.00 plus the applicable licence fee in accordance with Schedule A.

2021-01

9.3. A Peace Officer or Business Registry ~~Licensee~~-Coordinator shall at all reasonable times have the right to enter upon any licensed premises under the provisions of this bylaw for the purpose of inspection or for the purpose of ascertaining compliance with the provisions of this bylaw.

9.4. A Peace Officer is hereby authorized and empowered to issue a ~~violation tag~~ Violation Tag to any person who the officer has reasonable and probable grounds to believe has contravened any provision of the bylaw.

9.5. A ~~violation tag~~ Violation Tag may be issued to such person:

- a) personally; or
- b) by mailing a copy to such person at their last known address; or
- b)c) by email to their last known email address on file.

2021-01

9.6. The ~~violation tag~~ Violation Tag shall be in a form approved by the Peace Officer and shall state:

- a) the name of the defendant;
- b) the nature of the offence;
- c) the appropriate penalty for the offence as specified in the bylaw;
- d) that the penalty shall be paid within 30 days of the issuance of the ~~violation tag~~ [Violation Tag](#); and
- e) Any other information as may be required by the Peace Officer.

9.7. Where a contravention of this bylaw is of a continuing nature, further ~~violation tag~~ [Violation Tags](#) may be issued by the Peace Officer, provided however, that no more than one ~~violation tag~~ [Violation Tag](#) shall be issued for each day that the contravention continues.

9.8. Where a ~~violation tag~~ [Violation Tag](#) is issued, the person to whom the ~~violation tag~~ [Violation Tag](#) is issued may, in lieu of being prosecuted for the offence, pay to the Town the penalty specified on the ~~violation tag~~ [Violation Tag](#).

9.9. Notwithstanding section 9.4 of this bylaw, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to the *Provincial Offences Procedures Act*, as amended, to any person who a Peace Officer has reasonable grounds to believe has contravened any provision of this bylaw.

9.10. Where the penalty specified on a ~~violation tag~~ [Violation Tag](#) has not been paid within the prescribed time, a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to the Provincial Offences Procedure Act, as amended.

9.11. In addition to issuing a ~~violation tag~~ [Violation Tag](#) or Ticket, a Peace Officer or Business Registry ~~Licence~~ Coordinator may revoke the Business Registry ~~L~~icence if, in the Peace Officer's or Business Registry ~~Licence~~ Coordinator's determination:

- a) the Business was improperly licensed; or
- b) the requirements of this bylaw have not been complied with; or
- c) the Business has changed to the extent that a new Application for the Business Registry ~~L~~icence would be refused; or
- d) the Business is in contravention of Town bylaws, safety or fire codes, health regulations or any other federal, provincial or municipal requirement.

9.12. Notwithstanding section 9.11, where a person or Business is found to be in contravention of any of the provisions of this or any other bylaw, a Peace Officer or Business Registry ~~Licence~~ Coordinator may temporarily suspend the Business licence until such time as the contraventions are rectified.

9.13. Notice of the suspending or revoking of a Business Registry Licence shall be given to the applicable Licensee by:

- a) delivery of a notice to ~~the email address or physically mailing to~~ the address shown on the Application for licence; or
- b) sending a notice by any ~~of Canada Post's methods method~~ allowing for receipt signature to the address shown on the ~~Business Registry Licence account~~ Application for a licence.

9.14. When a Business is ~~removed-cancelled and the Business' account is deactivated~~ from the registry, the Applicant is not entitled to any refund of registration fees; unless an Applicant has paid for a Business Registry Licence while awaiting approval for another Town permit, and that permit is refused.

9.14.1 ~~Any Advertising of Businesses, trades or occupations within the Town~~ shall be deemed to be prima facie proof of the fact that the person is carrying on or operating any such Business, ~~trade or occupation.~~

2021-01

9.14.2 Any physical evidence of Business Advertisement or Business activity within a Business Premises shall be considered prima facie proof that the person is carrying on or operating such Business.

## 10: DECISION REVIEW

10.1. Where a person disputes the decision of a Peace Officer or Business Registry ~~Licence~~ Coordinator with respect to the requirement to obtain a Business Registry Licence, or where a person disputes the decision of a Peace Officer or Business Registry ~~Licence~~ Coordinator to refuse, revoke or suspend the person's Business Registry Licence, that person may in writing request the Enforcement Appeal Review Committee to review the decision.

2022-11

10.2. *Repealed 2022-11*

10.3. When a request to review has been submitted, the Business in question may remain licensed until final determination is made by the Enforcement Appeal Review Committee.

2022-11

## 11: VIOLATIONS

11.1. In prosecution for a contravention of ~~this bylaw a bylaw against engaging or operating a Business without a licence,~~ proof of one transaction in ~~or with~~ the Business, or that the Business has been Advertised is sufficient to establish that a person is engaged in or operates the Business.

## 12: ENACTMENT/TRANSITION

12.1. Council shall hold a public hearing that follows the process set out in the Municipal Government Act regarding public hearings prior to second reading of any bylaw intended to amend Schedule A of this bylaw.



12.2. If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.

12.3. Schedule A forms part of this bylaw.

12.4. Bylaw 2010-14 and its amendments are repealed.

12.5. This bylaw shall come into force on May 1, 2015.

## **OFFICE CONSOLIDATION**

This document is a consolidation of a bylaw with one or more amending bylaws. Anyone making use of this consolidation is reminded that it has no legislative sanction. Amendments have been included for convenience of reference only. The approved bylaws should be consulted for all purposes of interpreting and applying the law.

Bylaws included in this consolidation:

2015-02	Business Registry Bylaw
2021-02	Business Registry Bylaw Amendment – Omnibus
2022-11	Enforcement Appeal Review Committee
<u>2024-27</u>	<u><a href="#">Business Registry Bylaw Amendment - Omnibus</a></u>

**SCHEDULE A – BUSINESS REGISTRY LICENCE FEES**

2021-01

Accommodations based on the number of rooms	
Bed and Breakfast	<del>\$130</del> <u>150</u>
<u>Tourist Home</u>	<u>\$150</u>
Hotels, Motels, Inns, Hostels, <del>Bed &amp; Breakfasts:</del> 1-49 rooms	<del>\$495</del> <u>225</u>
Hotels, Motels, Inns, Hostels, <del>Bed &amp; Breakfasts:</del> 50 – <del>150</del> <u>100</u> rooms	<del>\$325</del> <u>375</u>
Hotels, Motels, Inns, Hostels, <del>Bed &amp; Breakfasts:</del> <del>150</del> <u>100</u> + rooms	<del>\$520</del> <u>600</u>
<b>Construction &amp; Development</b>	
Contractor/Trade Person	<del>\$130</del> <u>150</u>
Builder: < 15 units/year	<del>\$325</del> <u>375</u>
Builder: > 15 units/year	<del>\$520</del> <u>600</u>
Developer & Commercial/Industrial: <del>projects over 1,500 sq. m</del>	<del>\$1,040</del> <u>1200</u>
<b>General</b>	
Auto Dealership ( <del>5 or more employees</del> )	<del>\$520</del> <u>600</u>
Banking & Commercial Lending Institutions	<del>\$520</del> <u>600</u>
Busker	<del>\$32.50</del> <u>40</u>
Golf Courses	<del>\$520</del> <u>600</u>
Home Occupation Class 1 and Class 2	<del>\$130</del> <u>150</u>
Micro-Business	<del>\$32.50</del> <u>40</u>
Property Management <del>&gt; 15 units</del>	<del>\$520</del> <u>600</u>
Real Estate Brokers	<del>\$520</del> <u>600</u>
Umbrella Rider	50% of the applicable Business Registry fee to a maximum of \$300
Voluntary Registration for Exempt Businesses	<del>\$50</del> <u>40</u>
<b>Hawkers and Vendors</b>	
1 day	\$25
2-3 days	\$50
1 year	\$150

<b>Non-Resident Business</b>	
Annual Licence	\$600
Temporary Licence: <del>3</del> <u>2</u> days	<del>\$75</del> <u>\$50</u>
Temporary Licence: 1 month	\$150
Temporary Licence: 3 months	\$200
Temporary Licence: 6 months	\$300
<b>Restaurants &amp; Bars (excludes outdoor patio seating)</b>	
Restaurants: 0 - 35 seats	<del>\$130</del> <u>\$150</u>
Restaurants: 36 - 69 seats	<del>\$325</del> <u>\$375</u>
Restaurants: >69 seats	<del>\$520</del> <u>\$600</u>
<b>Retail/ Commercial/ Wholesale/Industrial</b>	
Resident Business: <300 sq.m	<del>\$130</del> <u>\$150</u>
Resident Business: 300 sq. m to 1,500 sq.m	<del>\$325</del> <u>\$375</u>
Resident Business: > 1,500 sq. m.	<del>\$1,040</del> <u>\$1200</u>
Gasoline Retail	<del>\$325</del> <u>\$375</u>
<b>Special Events</b>	
	\$75 per day
<b>Administrative Fees</b>	
<del>Business Name Change</del>	<del>\$25</del>



# Request for Decision

**DATE OF MEETING:** November 5, 2024 **Agenda #: G 3**

**TO:** Council

**SUBJECT:** Revised Land Use Bylaw Amendment 2024-30 – Tourist Home Conversions

**SUBMITTED BY:** Harry Shnider, Manager, Planning and Development

**RECOMMENDATION:** That Council give first reading to Revised Land Use Bylaw Amendment 2024-30 – Tourist Home Conversions and schedule a public hearing for December 3, 2024.

## EXECUTIVE SUMMARY

The proposed amendment will permit the conversion of an existing Tourist Home to a corresponding residential use without the requirement to obtain a development permit.

## RELEVANT COUNCIL DIRECTION, POLICY, OR BYLAWS

On August 20, 2024, Council passed Division of Class 1 Property Bylaw 2024-19.

## DISCUSSION

Bylaw 2024-19 requires that all active Tourist Homes be taxed at the same Tourist Home tax rate. The bylaw also added the primary residential subclass. To be included in the primary residential subclass, one has to make an annual declaration that they qualify for the subclass. A Tourist Home is specifically excluded from the primary residential subclass. If a Tourist Home wants to declare their property as their primary residence, first they need to convert it to a Residential property and then they can make the annual declaration. This must be done by December 31<sup>st</sup> to take effect for the following taxation year.

The proposed bylaw amendment facilitates the conversion of a Tourist Home to a corresponding residential use (e.g., Detached Dwelling) from requiring a Development Permit.

## ANALYSIS OF ALTERNATIVES

Status Quo – if the proposed amendment is not advanced, the result would be an extended review and notification period to the adjacent neighbourhood including the requirement to notify adjacent landowners about a discretionary use on the subject land.

## FINANCIAL IMPACTS

Council approved the waiving of development application fees for conversions until December 31, 2025.

## ATTACHMENTS

- 1) Revised Land Use Bylaw Amendment 2024-30 – Tourist Home Conversion
- 2) Revised Land Use Bylaw 2018-22 – REDLINE

**AUTHORIZATION**

Submitted by:	Harry Shnider, RPP, MCIP Manager of Planning and Development	Date: <u>October 11, 2024</u>
Approved by:	Chelsey Gibbons Manager of Finance	Date <u>October 17, 2024</u>
Approved by:	Whitney Smithers General Manager of Municipal Infrastructure	Date <u>October 17, 2024</u>
Approved by:	Sally Caudill Chief Administrative Officer	Date: <u>October 29, 2024</u>



**BYLAW 2024-30**

**A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, TO  
AMEND REVISED LAND USE BYLAW 2018-22**

---

The Council of the Town of Canmore, in the Province of Alberta, duly assembled, enacts as follows:

**TITLE**

- 1 This bylaw shall be known as “Revised Land Use Bylaw Amendment 2024- 30 – Tourist Home Conversions”.

**INTERPRETATION**

- 2 Words defined in revised Land Use Bylaw 2018-22 shall have the same meaning when used in this bylaw.

**PROVISIONS**

- 3 Revised Land Use Bylaw 2018-22 is amended by this bylaw.
  
- 4 Section 1.9.0.1 Development Permits Not Required is amended by adding the following after subsection w:
  - x. The conversion of an existing Tourist Home to a corresponding residential use.

**ENACTMENT/TRANSITION**

- 6 If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.
  
- 7 This bylaw comes into force on the date it is passed.

FIRST READING:

PUBLIC HEARING:

SECOND READING:

THIRD READING:

Approved on behalf of the Town of Canmore:

\_\_\_\_\_  
Sean Krausert  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Cheryl Hyde  
Manager, Municipal Clerk’s Office

\_\_\_\_\_  
Date

## 1.9 DEVELOPMENT PERMITS NOT REQUIRED

1.9.0.1 The following developments do not require a development Permit where the work proposed or development complies with all regulations of this Bylaw:

- a. Those uses exempted by the Act and regulations thereto.
- b. Works of maintenance, renovation, or repair on a structure, either internally or externally, if, in the opinion of the development officer, such work is consistent with any development Permits issued for the site, and does not include:
  - i. Structural alterations;
  - ii. Changes to the use or intensity of the use of the structure; and
  - iii. Multi-unit residential buildings and buildings within commercial Land Use districts, which do not, in the opinion of the development Authority, substantially change the exterior appearance of the building.
- c. The completion of a building which was lawfully under construction at the date this Bylaw comes into full force and effect, provided that:
  - i. the building is completed in accordance with the terms of any permit granted by the municipality, subject to the conditions of that permit; and
  - ii. the building, whether or not a permit was granted in respect of it, is completed in accordance with 1.12.0.1 or as otherwise specified in the development Permit or in the conditions of development approval. **[2021-24]**
- d. The use of any building referred to in subsection 1.9.0.1c for the purpose for which construction was commenced.
- e. The erection or installation of machinery and equipment needed in connection with construction of a building for which a development Permit has been issued, for the period of construction.
- f. The construction and maintenance of a Public Utility by the town placed in or upon a public thoroughfare or public utility easement provided any required authorizations have been obtained.
- g. The erection, construction, or the maintenance of pedestrian gates, fences, walls, or other means of enclosure less than 2.5 m in height.
- h. The installation and operation of a satellite dish antenna 1.0 m or less in diameter and the installation of tower antenna no more than 1.0 m higher than the maximum height of the principal building on site.
- i. The installation of solar collectors or other energy collecting and storage devices, including geothermal or other subsurface works.
- j. The use by the municipality of publicly owned or controlled land in connection with any municipal project and may without restricting the generality of the foregoing, include buildings, roads, traffic management projects, interchanges, vehicular and pedestrian bridges, water, gas, telephone and power installations, substations and pumping stations, water reservoirs, storm and sanitary sewer including treatment or related facilities, street furniture, street lighting, public recreational facilities, or similar facilities, works depots, parks, playgrounds, landscaping and streetscape improvement projects.
- k. The construction, maintenance and repair of private walkways, pathways, landscaping and similar works. driveways are not excluded from requiring a

development Permit unless they are approved by the town of Canmore as part of a valid Building Permit.

- l. Removal of trees or soil from a site or stockpiling of soil on a site when a development Permit or subdivision approval has been issued, and where a development Agreement has been duly executed for that site and said permit or agreement allows for or requires such activity.
- m. The digging of test holes requiring less than 6.0 m<sup>2</sup> in surface area for exploration purposes.
- n. The erection of a retaining wall that is no more than 1.0 m in height measured from the lowest ground elevation adjacent to the wall, and does not require a letter of engagement from a professional engineer as per the Engineering design and Construction Guidelines (EdCG). **[2020-16]**
- o. The construction of an Accessory Building located in a residential district.
- p. A change of use or interior renovations within an existing commercial or industrial building where the following requirements are met to the satisfaction of the development officer:
  - i. The change of use is from a Permitted or discretionary Use to a Permitted Use in the Land Use district applicable to the site; and
  - ii. the total GFA of the structure or structures constituting the development is less than 500 m<sup>2</sup>; and
  - iii. [Repealed by 2023-18]**
  - iv. A Certificate of Conformance has been applied for and received from the development Authority that certifies that the proposed change of use conforms to the above clauses; and
  - v. the change is to a use that has required Employee Housing no greater than that of the use it is replacing; and
  - vi. the change of use is not located within a building or on a portion of a site identified to be in the steep Creek Hazard development overlay. **[2021-24]**
- q. Construction of, internal or external addition to, or demolition of a detached dwelling (with or without an Accessory dwelling Unit), manufactured dwelling, or duplex dwelling, where: **[2021-24]**
  - i. The total gross floor area of the structure or structures constituting the development is less than 500 m<sup>2</sup>; and
  - ii. The use is a Permitted Use, or for an external renovation or addition to an approved discretionary Use; and
  - iii. The construction complies with all provisions of this Bylaw; and
  - iv. [Repealed by 2023-18]**
  - v. The development is not located in the steep Creek Hazard development overlay; and
  - vi. Where there are no off-site levies, local improvement levies, or municipal fees owing against the land, or where the present owner has entered into an agreement with the town for the payment of such levies or fees. **[2020-15]**
- r. An Accessory dwelling Unit, Attached or Accessory dwelling Unit, detached.
- s. Home occupation – Class 1.



- t. The installation of a sign that is compliant with all the regulations as set out in section 9: signage or is exempt as per section 9.14. **[2021-24]**
- u. The restoration, rehabilitation or reclamation of disturbed areas.
- v. The use of a dwelling Unit as a show Home. **[2021-24]**
- w. Construction and development of a Wildlife Exclusion Fence, as required by an Area Structure Plan or Area Redevelopment Plan, or under the jurisdiction of the Province of Alberta. (Pending approval of Bylaw 2024-22.)
- x. **The conversion of an existing Tourist Home to a corresponding residential use. [2024-22]**



# Request for Decision

**DATE OF MEETING:** November 5 2024 **Agenda #:** H 1

**TO:** Council

**SUBJECT:** Extended Producer Responsibility

**SUBMITTED BY:** Simon Robins – Supervisor of Solid Waste Services

**RECOMMENDATION:** That Council approve the signing of contracts with Producer Responsibility Organizations to allow the Town to opt in and become an Extended Producer Responsibility service provider.

## EXECUTIVE SUMMARY

The Provincial Government has enacted legislation that shifts the responsibility of recycling from individual municipalities to the businesses that produce packaging for their products. The initial step for businesses is a transition period. During this transition, businesses are seeking to use municipalities collection programs to deliver recycling services. Municipalities are being offered compensation packages to cover the cost of providing these recycling services.

## RELEVANT COUNCIL DIRECTION, POLICY, OR BYLAWS

Extended Producer Responsibility Regulation – Government of Alberta

## DISCUSSION

Alberta's Extended Producer Responsibility came into force on November 30, 2022. Extended Producer Responsibility is regulation that requires businesses (Producers) that produce products, packaging and paper (recycling) that they sell to residential customers to take responsibility for managing these materials. The legislation does not dictate how this must be achieved. Producers are allowed to find the best solution. To hold Producers accountable, the regulation sets material diversion targets and service standards for recycling collections.

The legislation also requires Producers to take responsibility for Hazardous Special Products. These are a subset of Household Hazardous Waste materials that the Town already collects. Producers must meet material diversion targets and service standards for Hazardous Special Products as laid out in the regulations.

The benefits of this legislation are:

- Municipalities will no longer need to bear the full cost for residential recycling and Hazardous Special Products.
- All of Alberta will have a harmonized list of materials that can be recycled. Currently, this varies for each Municipality.
- Producers will be motivated to be innovative with how they package their products and this will ideally lead to a reduction in packaging.

To undertake the task of taking over all recycling in Alberta, an organization called a Producer Responsibility Organization will coordinate all Producers. The recycling Producer Responsibility Organization that is operating in Alberta is a not for profit called Circular Materials. There are two Producer Responsibility Organizations taking care of Hazardous and Special Products: Product Care and Call2Recycle.

Alberta is the last province to enact Extended Producer Responsibility regulation. Under the regulation, Extended Producer Responsibility must become operational for communities that have existing recycling programs by April 1, 2025. Canmore meets the criteria to be included for the April 1, 2025 phase 1 launch.

Participation in Extended Producer Responsibility in Alberta is voluntary for Municipalities. Municipalities that choose not to participate will continue to bear the full cost of recycling and Hazardous Special Products management. Canmore expressed interest in participating in Extended Producer Responsibility by registering in October 2023. Once registered we began discussions with the Producer Responsibility Organizations on how recycling and Hazardous Special Products management will happen in Canmore. The biggest impact will be with the management of recycling.

Circular Materials has engaged Canmore on the management of recycling. The first step required by Circular Materials was for Canmore to express interest in either opting in or opting out of being the service provider for recycling. We expressed our interest in opting in to be the service provider. The two main reasons for this are: the ability to maintain control over collection service levels, and to maintain stable employment options for Canmore residents. We have worked with Circular Materials to create an agreement to receive compensation for costs related to recycling collections. In addition to this, Circular Materials will provide funding for promotion and education for recycling. A separate agreement will also be worked on to compensate for recycling related activities at Canmore's 2 recycling depots. The term for these agreements will be 1.5 years. At the end of the term Circular Materials will either negotiate a new agreement, or Canmore will need to bid on the contract to be the service provider.

All recycling materials are the property of Circular Materials. Once collected, Circular Materials is responsible for processing, brokering and recycling all the material. If Circular Materials chooses to use the sorting and baling facilities at the Waste Management Centre, compensation will be provided to cover these costs.

For the Town of Canmore to be included in the April 1, 2025 phase 1 of Extended Producer Responsibility the recycling collections agreement with Circular Materials must be executed by November 29, 2024. Any delay will risk the start date for compensation being delayed to October 1, 2026 (phase 2).

The Producer Responsibility Organization for Hazardous Special Products are managing their responsibilities differently. Canmore will continue to use our contracted service provider for Household Hazardous Waste and compensation will be provided for the percentage of the material that is Hazardous Special Products. This will be determined through semi annual audits.

Extend Producer Responsibility is a significant change for recycling and Hazardous Special Products management in Alberta. Canmore's residents stand to greatly benefit from this long-awaited change.

#### **ANALYSIS OF ALTERNATIVES**

1. Opt in to be the service provider. This means that Canmore will be compensated for costs related to residential recycling. Recommended.

2. Opt out of being the service provider. This would mean that all recycling services would be the responsibility of the Producer Responsibility Organization. The Town would no longer have anything to do with recycling. Canmore would no longer charge for these services in the utility, there would be no need for the associated infrastructure or staff and there would be no control over service levels.
3. Deregister from Extended Producer Responsibility. This would mean that we would not take part in Extended Producer. Our services would remain the same and would continue to be fully funded through utility rates. There would be no compensation available for the services.

### **FINANCIAL IMPACTS**

Recycling collection services compensation offer: \$7.12/dwelling unit/month. This will equal about \$750,000/year depending on the confirmed dwelling unit counts and the annual Consumer Price Index.

Recycling promotion and education: \$1.50/dwelling unit/year. This will equal about \$13,000/year depending on the confirmed dwelling unit counts.

Recycling depot services compensation offer: currently under negotiation. Estimated less than \$20,000/year.

Recycling processing compensation if Circular Materials chooses to use Canmore's processing facility:

- \$144/tonne for mixed paper and cardboard. Estimated annually \$110,000.
- \$552/tonne for mixed containers. Estimated annually \$150,000.

Hazardous Special Products management compensation: estimated less than \$20,000

The 2024 approved budget for Solid Waste Recycling had total expenses of \$2.3 million. The balance not covered by the compensation offer from Circular Materials are for programs that are not related to recycling collections and processing. These other programs include residential and commercial food waste, household hazardous waste, used paint, e-waste, large item clean up, used oil, bulbs and yard waste. Recommendations for the compensation received will be brought to Finance Committee as part of the 2025 budget deliberations.

### **INTEREST HOLDER ENGAGEMENT**

Canmore has worked extensively with the Alberta Recycling Management Authority, Alberta Municipalities and Circular Materials to develop a thorough understanding of Extended Producer Responsibility and the corresponding risks and benefits for the community.

The Finance Department has worked closely with Solid Waste Services to ensure the compensation offer reflects the recycling costs.

### **ATTACHMENTS**

- 1) Draft Master Service Agreement
- 2) Draft Statement of Work

**AUTHORIZATION**

Submitted by:	Simon Robins Supervisor of Solid Waste Services	Date:	<u>October 9, 2024</u>
Approved by:	Chelsey Gibbons Manager of Financial Services	Date:	<u>October 17, 2024</u>
Approved by:	Andreas Comeau Manager of Public Works	Date:	<u>October 18, 2024</u>
Approved by:	Whitney Smithers General Manger of Municipal Infrastructure	Date:	<u>October 18, 2024</u>
Approved by:	Sally Caudill Chief Administrative Officer	Date:	<u>October 24, 2024</u>

**MASTER SERVICES AGREEMENT**  
**for**  
**SERVICES RELATED TO SINGLE-USE PRODUCTS, PACKAGING AND PAPER**  
**PRODUCTS (PPP)**  
**Number 2024-00-[●]**



Table of Contents

**RECITALS ..... 3**

**ARTICLE 1 INTERPRETATION ..... 3**

    1.1 DEFINITIONS..... 3

    1.2 INTERPRETATION ..... 6

**ARTICLE 2 TERM ..... 7**

    2.1 TERM..... 7

**ARTICLE 3 SCOPE OF WORK ..... 8**

    3.1 SERVICE PROVISION ..... 8

    3.2 ENVIRONMENTAL ATTRIBUTES ..... 8

    3.3 LABOUR DISRUPTION ..... 9

**ARTICLE 4 REPRESENTATIONS AND WARRANTIES ..... 9**

    4.1 REPRESENTATIONS AND WARRANTIES ..... 9

**ARTICLE 5 CONTRACTOR MANAGEMENT..... 10**

    5.1 RECORD KEEPING AND REPORTING REQUIREMENTS ..... 10

    5.2 SUBCONTRACTORS ..... 10

    5.3 ACCESS TO THE WORK ..... 11

    5.4 CONTINGENCY PLAN ..... 11

**ARTICLE 6 COMPENSATION ..... 12**

    6.1 CANADIAN FUNDS ..... 12

    6.2 DOCUMENTATION AND PAYMENT ..... 12

    6.3 TAXES ..... 13

    6.4 PRICE ADJUSTMENT..... 13

    6.5 MONIES DUE TO CM..... 13

    6.6 OTHER REQUIREMENTS ..... 13

    6.7 INTEREST ..... 13

    6.8 LIMITED LIABILITIES ..... 13

**ARTICLE 7 FAILURE TO PERFORM, REMEDIES AND TERMINATION ..... 14**

    7.1 TIME OF THE ESSENCE ..... 14

    7.2 RESPONSIBILITY FOR DAMAGES/INDEMNIFICATION..... 14

    7.3 FORCE MAJEURE ..... 16

    7.4 MSA TERMINATION ..... 17

    7.5 REMEDIES..... 18

    7.6 DISPUTES..... 19

    7.7 ARBITRATION ..... 19

    7.8 CHOICE OF FORUM ..... 20

**ARTICLE 8 STANDARD CONDITIONS ..... 20**

    8.1 GOVERNING LAW ..... 20

    8.2 COMPLIANCE WITH LAWS AND PERMITS ..... 20

    8.3 ASSIGNMENT..... 21



RC MASTER SERVICES AGREEMENT

8.4 CONTRACTOR TO MAKE EXAMINATIONS..... 21

8.5 ACCESS TO RECORDS..... 21

8.6 INSURANCE ..... 22

8.7 CHANGES TO MSA ..... 23

8.8 CHANGE MANAGEMENT..... 23

8.9 CONFLICTS AND OMISSIONS ..... 26

8.10 DUTY TO NOTIFY ..... 26

8.11 INTELLECTUAL PROPERTY ..... 26

8.12 CONFIDENTIALITY COVENANT ..... 28

8.13 SEVERABILITY..... 29

8.14 SURVIVAL ..... 29

8.15 FURTHER ASSURANCES..... 30

8.16 REVISIONS TO THIS MSA ..... 30

8.17 COUNTERPARTS ..... 30

8.18 NOTICE ..... 30

**ARTICLE 9 MSA SCHEDULE ..... 31**

9.1 MSA SCHEDULE ..... 31



## RC MASTER SERVICES AGREEMENT

This Master Services Agreement (this "**MSA**") is entered into as of \_\_\_\_\_, 20\_\_\_\_ ("**Effective Date**")

Between

<insert Community Name>, a [[●] under the laws of Alberta], having a place of business at <insert address> ("**Contractor**")

And

Circular Materials, a federal not-for-profit corporation, having a place of business at 1 St. Clair Avenue West, Suite 700, Toronto ON, M4V 1K6 ("**CM**")

### **RECITALS**

**WHEREAS**, CM is the Producer Responsibility Organization registered with Alberta Recycling Management Authority (the "**Authority**") for PPP; and

**WHEREAS**, CM issued an offer to the Contractor in connection with the collection of PPP and related services; and

**WHEREAS**, Contractor and CM (each a "**Party**", and collectively the "**Parties**") jointly desire to enter into this MSA respecting the collection of PPP and related services for the applicable Registered Community as set out in one or more Statements of Work which, once such Statements of Work are duly executed, shall form part of, and be subject to and governed by, this MSA; and

**WHEREAS** the Contractor agrees to provide the Work in accordance with the terms and conditions of this MSA;

**NOW, THEREFORE**, in consideration of the promises, mutual covenants, and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties acknowledge and agree to all covenants, terms and conditions as stipulated in this MSA, as follows:

### **ARTICLE 1 INTERPRETATION**

#### 1.1 Definitions

**"Applicable Law"** means any federal, provincial, municipal, local, domestic or foreign law, rule, statute, subordinate legislation, regulation, by-law, order, ordinance, protocol, code, guideline, treaty, policy, notice, direction or judicial, arbitral, administrative, ministerial or departmental judgment, award, decree, treaty, directive, or other requirement or guideline published or in force at any time which applies to or is otherwise intended to govern or regulate any Person (including any Party), property, transaction, activity, event or other matter, which in any way applies to the Work under this MSA or any Party, including any rule, order, judgment, guideline, directive or other requirement or guideline issued by any governmental or regulatory authority. Without limiting the foregoing, Applicable Law shall include the *Freedom of Information and Protection of Privacy Act* (Alberta).

## RC MASTER SERVICES AGREEMENT

**"Business Day"** means any day from Monday to Friday inclusive, excluding statutory holidays in the province of Alberta.

**"Bylaws"** means the Single-use Products, Packaging and Paper Products Bylaws developed by the Authority under the Regulation, as amended or replaced from time to time.

**"Change Notice"** has the meaning set in Section 8.8(a) of this MSA.

**"Change Order"** has the meaning set in Section 8.8(f) of this MSA.

**"Collection Data"** means all data or information pertaining to Equipment or PPP or other aspects of the Work or activities involving any of the foregoing that is collected, generated or observed pursuant to this MSA, including any Statement of Work, or otherwise in the course of the Work. The Collection Data includes data and information expressly required to be delivered by the Contractor to CM pursuant to this MSA.

**"Collection Vehicle"** means a vehicle used to perform collection services.

**"Contract Price"** means the total price payable under this MSA, as set forth in the Statements of Work.

**"Contractor Default"** means a failure of the Contractor to comply with the requirements of this MSA or unsatisfactory performance of the Contractor's obligations under this MSA, other than a Material Contractor Default.

**"Cost Estimate"** has the meaning set out in Section 8.8(b) of this MSA.

**"Effective Date"** has the meaning set out above in this MSA.

**"Equipment"** means all vehicles, including Collection Vehicles and Hauling Vehicles, machinery, apparatus and other items used in completing the Work.

**"Hauling Vehicle"** means a vehicle used to perform hauling services.

**"Intellectual Property Rights"** means all intellectual property rights as recognized under any Applicable Law, including rights in and to patents, trade secrets, proprietary information, copyright, trademarks, industrial designs, and design patents whether or not registered or registrable and other rights in intellectual property of the same or similar effect or nature relating to the foregoing and any component thereof throughout the world.

**"Legislative Change"** means changes in Applicable Law, including repeal, replacement or amendment of an Applicable Law, including the Regulation, that give rise to the Work (or any part thereof) no longer being required or necessary, as determined by CM in its sole and absolute discretion.

**"Losses and Claims"** means liabilities, claims, demands, losses, costs, expenses, damages, orders, penalties, actions, suits and other proceedings (including legal fees and disbursements).

## RC MASTER SERVICES AGREEMENT

**“Material Contractor Default”** means the Contractor has committed any of the following acts or omissions:

- (a) disposing of any PPP that was collected as part of this MSA at any alternate fuel facility, landfill, energy from waste facility or other disposal location or with a Person not expressly permitted by this MSA;
- (b) deliberately falsifying data, or exhibiting a pattern of providing false or misleading data, in relation to any documentation provided to CM;
- (c) failing to comply with the MSA, including any Statements of Work, in a manner that results in CM or producers becoming non-compliant with the Regulation, Bylaws or any applicable policy of the Authority; or
- (d) abandoning the Work.

**“Pandemic Conditions”** means advice, guidelines, recommendations, instructions, requirements, restrictions, and laws of governmental authorities (including the Alberta Ministry of Jobs, Economy and Trade, and the Chief Medical Officer of Health) and industry associations relating to an epidemic or a pandemic which are or may come into effect, including by way of example restrictions that may delay, reduce productivity, or increase the cost of performance of the Work, such as physical distancing, wearing task-appropriate levels of personal protective equipment and cleaning or disinfecting.

**“Person”** means any individual, partnership, limited partnership, joint venture, syndicate, company or corporation with or without share capital, trust, trustee, executor, administrator or other legal personal representative, and any federal, provincial, territorial or municipal government, regulatory authority, agency, tribunal, commission, board or department of any such government or entity however designated or constituted.

**“PPP”** means single-use products, packaging, packaging-like products and paper products as designated materials for the purposes of sections 1 to 11 and Part 1 of the Regulation pursuant to section 13 of the Regulation, except in the context of a Statement of Work it has the meaning set out in such Statement of Work to the extent expressly set out otherwise in such Statement of Work.

**“Prime”** means the Bank of Canada’s target for the overnight (interest) rate, as posted from time to time.

**“Producer”** has the meaning set out in the Regulation.

**“Registered Community”** means a community which has registered with the Authority in accordance with the Bylaws.

**“Regulation”** means the *Extended Producer Responsibility Regulation*, AR 194/2022 under the *Environmental Protection and Enhancement Act* (Alberta), as amended or replaced from time to time.

**“Residential Premises”** has the meaning set out in the Regulation.

## RC MASTER SERVICES AGREEMENT

**“Statement of Work”** means a statement of work entered into between CM and the Contractor attached as Schedule A.

**“Statement of Work Effective Date”** means the applicable date on which the Work commences in a Registered Community.

**“Subcontractor”** means a subcontractor employed by the Contractor pursuant to Section 5.2.

**“Unusually Severe Adverse Weather Conditions”** means unusually severe adverse weather conditions at the place of the Work which:

- (a) are different from those normally and customarily experienced at the place of the Work (as documented by weather data from Environment Canada) over the past twenty (20) years taking into consideration severity, duration and time of year conditions; and
- (b) preclude the safe performance of the Work.

**“Work”** means the performance of services including the supply of all materials, Equipment, labour, facilities, supervision, services, permits, licenses, or approvals required to complete the Contractor’s obligations under this MSA, including the Statements of Work and any Change Orders agreed to by the Parties.

**“Work Report for the Month”** has the meaning set forth in the applicable Statement of Work.

## 1.2 Interpretation

- (a) Whenever inconsistent in the context, words used in the present tense include the future tense, words in the plural include the singular, words in the singular include the plural, and the use of any gender shall be applicable to all genders whenever the sense requires. Words not defined in Section 1.1 or elsewhere in this MSA shall be given their common and ordinary meaning.
- (b) The words authorized, directed, required, requested, approved, ordered, sanctioned, and satisfactory, unless some other meaning is obvious from the context, shall mean respectively authorized, directed, required, required, approved, or sanctioned by or satisfactory to CM or its appointed representative.
- (c) Where the word “including” or “includes” is used, it means “including (or includes) without limitation”.
- (d) The word may in this MSA denotes permissive.
- (e) The words shall and will in this MSA denote imperative.
- (f) Any capitalized term used in this MSA that is not defined in Section 1.1 or elsewhere in this MSA will, if applicable, have the meaning set out in the

## RC MASTER SERVICES AGREEMENT

Regulation or otherwise will have the generally accepted industry or technical meaning given to such term.

- (g) Words importing the singular number will include the plural and vice versa, and words importing the use of any gender will include the masculine, feminine and neuter genders.
- (h) The headings in this MSA are solely for convenience of reference and will not be used for purposes of interpreting or construing the provisions hereof.
- (i) Unless otherwise provided for herein, all monetary amounts referred to herein will refer to the lawful money of Canada.
- (j) When calculating the period of time within which or following which any act is to be done or step taken pursuant to this MSA, the date which is the reference date in calculating such period will be excluded. If the last day of such period is not a Business Day, then the time period in question will end on the first Business Day following such non-Business Day.
- (k) Any references in this MSA to any law, by-law, rule, regulation, order or act of any government, governmental body or other regulatory body, including any Applicable Law, will be construed as a reference thereto as amended or re-enacted from time to time or as a reference to any successor thereto.
- (l) Attached to and forming an integral part of this MSA is Schedule A – Statement(s) of Work.
- (m) This MSA shall constitute the entire agreement between the Parties and shall supersede all prior agreements, understandings, negotiations, and discussions, oral or written, between the Parties. In the event of any inconsistency between any of the provisions of this MSA, the inconsistency will be resolved by reference to the following in descending order of priority:
  - (i) Amendments to the Statements of Work;
  - (ii) Statements of Work;
  - (iii) Amendment to the other portions of this MSA made in accordance with the requirements of this MSA, including Change Orders; and
  - (iv) Other portions of this MSA.

## **ARTICLE 2 TERM**

### 2.1 Term

- (a) This MSA shall remain in effect from the Effective Date until all Statements of Work have expired or been terminated, unless this MSA is terminated as described in Sections 7.3 and 7.4, or as otherwise provided for in this MSA.

## RC MASTER SERVICES AGREEMENT

- (b) CM and the Contractor may, by Change Order, extend a Statement of Work. Any such extension shall be under the terms and conditions of this MSA and the Statement of Work, as amended by CM and Contractor from time to time.
- (c) CM reserves the right to terminate this MSA or a Statement of Work in accordance with Section 7.4, or as otherwise provided for in this MSA. Termination shall not affect CM's right to make a claim against Contractor for the damages on account for such a breach.

### **ARTICLE 3 SCOPE OF WORK**

#### **3.1 Service Provision**

- (a) The Contractor shall provide all materials, personnel, and Equipment as required to provide the Work.
- (b) All Applicable Law shall be complied with by the Contractor in the performance of all portions of the Work. The Contractor is familiar with all Applicable Law, which in any manner affect the Work, those engaged or employed in the Work, or in the facilities or Equipment used in the Work, and no plea of misunderstanding will be considered on account of ignorance.
- (c) If, during the term of this MSA, there is a change in Applicable Law which is in effect as of a Statement of Work Effective Date that results in a material impact on the performance of any act required by the Statement of Work applicable to such Statement of Work Effective Date, the Parties shall renegotiate the provisions of this MSA, including the Statement of Work, using a Change Order pursuant to Section 8.8. If the Parties are unable to agree on the revised terms and conditions either Party may submit the dispute to arbitration in accordance with the provisions of this MSA.
- (d) CM is committed to diverting PPP from disposal and achieving efficiencies in the Work. To this end CM will continue to explore new methods and technologies and, as a proposed change in the Work, CM may issue a Change Notice to the Contractor in respect of such new methods and technologies. If CM chooses to proceed with such new methods and technologies CM will issue a Change Order to the Contractor in accordance with Section 8.8.

#### **3.2 Environmental Attributes**

- (a) **"Environmental Attributes"** means the interests or rights arising out of attributes or characteristics relating to the environmental impacts associated with the performance of the Work under this MSA. Any Environmental Attributes resulting from the Work performed under this MSA shall be and remain the sole property of CM for its exclusive use. The Contractor hereby transfers and assigns to, or to the extent transfer or assignment is not permitted, holds in trust for, CM who thereafter shall retain, all rights, title, and interest in all Environmental Attributes associated with the Work during the term of this MSA, and Contractor shall do all acts necessary to effect the foregoing.

## RC MASTER SERVICES AGREEMENT

- (b) For greater certainty, Section 3.2(a) does not include or apply to any Environmental Attributes arising from activities and operations facilitated by the Contractor's investment prior to the Effective Date or not associated with the Work. Ownership of such Environmental Attributes shall belong solely to the Contractor.

### 3.3 Labour Disruption

- (a) If there is a lawful or legal strike, lockout, or work slowdown or other lawful or legal labour disruption or job action during the term of this MSA (the "**Lawful LD Period**"), the Contractor shall, during the Lawful LD Period, conditional on the municipal council's approval of the Contractor's overall labour disruption contingency plan if council approval is required, make best efforts to:
  - (i) Encourage Residential Premises who do not receive collection services because of the Lawful LD Period, to separate and retain their PPP and not place such PPP out for collection during the Lawful LD Period.
  - (ii) Provide continued collection of PPP from Residential Premises that currently receive collection from Subcontractors contracted by the Contractor and to have those Subcontractors deliver PPP collected from those Residential Premises to third party receivers designated by CM where the provision of such continued services will not, in the Contractor's sole discretion, adversely affect the Contractor's labour negotiations.
- (b) If the Contractor's employees engage in an unlawful or illegal strike, lockout, or work slowdown or other unlawful or illegal labour disruption or job action during the term of this MSA (the "**Unlawful LD Period**") that remains unresolved for a period of 30 calendar days, CM may deem a Material Contractor Default to have occurred.
- (c) Notwithstanding any provision in the MSA to the contrary, during the Lawful LD Period or Unlawful LD Period, as applicable, the Contractor will not invoice CM for the cost of collecting the PPP from Registered Communities that do not receive collection services pursuant to this MSA.

## **ARTICLE 4 REPRESENTATIONS AND WARRANTIES**

### 4.1 Representations and Warranties

Contractor represents and warrants to and covenants with CM that:

- (a) it is duly incorporated, validly existing, and in good standing under the laws of its jurisdiction of incorporation, and is duly qualified to do business in all jurisdictions in which qualification is necessary in order to transact its business and perform its obligations set out in this MSA;
- (b) it has full power, authority, and right to execute and deliver this MSA, to make the representations, warranties, and covenants set out herein, and to perform

## RC MASTER SERVICES AGREEMENT

its obligations under this MSA in accordance with its terms. This MSA has been validly executed by an authorized representative of Contractor, and constitutes a valid and legally binding and enforceable obligation of Contractor and the execution and delivery of this MSA and the consummation of the matters contemplated by this MSA have been duly authorized by all necessary corporate and other actions on the part of the Contractor;

- (c) if applicable, it has consulted with any communities in which the Work will be delivered or members of the Contractor, as the case may be, and obtained any necessary authorization from such communities or members of the Contractor, as the case may be;
- (d) it has and will, at its own expense, procure all permits, certificates and licenses required by Applicable Law for the performance of the Work;
- (e) as of the Effective Date, and throughout the term of this MSA, the Contractor has no exclusivity arrangements with any Subcontractor that obligates the Contractor to utilize that Subcontractor in the performance of the Work except for those disclosed in writing to CM; and
- (f) in performing its obligations under this MSA, the Contractor shall exercise the standard of care, skill, judgment, and diligence that would normally be provided by an experienced and prudent contractor supplying similar services and work.

## **ARTICLE 5 CONTRACTOR MANAGEMENT**

### **5.1 Record Keeping and Reporting Requirements**

- (a) Through the performance of the Work the Contractor shall prepare, maintain, and deliver records generated in accordance with the provisions of this MSA, including any Statement of Work, which shall include an annual fuel usage report. Such obligations shall apply to all Work, unless otherwise specified in this MSA.
- (b) CM may at any time, and from time to time, waive the requirement to include any particular item in any report in connection with the Work or may reduce the frequency of any report, but in such event shall have the right to reinstate any item and increase the frequency of reporting to the times provided in this MSA.
- (c) For clarity, nothing in this Section 5.1 shall relieve the Contractor from its obligation to execute the Work to completion in accordance with the requirements of this MSA.

### **5.2 Subcontractors**

- (a) The Contractor may, subject to this Section 5.2, subcontract portions of the Work to Subcontractors. The Contractor shall, and shall cause the Subcontractors to, perform the Work in accordance with the provisions of this MSA.



## RC MASTER SERVICES AGREEMENT

- (b) The Contractor shall, with respect to subcontracts between the Contractor and its Subcontractors, provide CM, upon request, with a copy of subcontracts entered into between the Contractor and its Subcontractors, and all applicable amendments and changes, redacted to prevent disclosure of commercial information.
- (c) The Contractor shall in all cases be fully responsible to CM for all of its obligations under this MSA that are subcontracted to a Subcontractor and for all acts and omissions of all Subcontractors even if such Subcontractor was preselected or approved by CM.

### 5.3 Access to the Work

- (a) Without limiting the generality of any other provision in this MSA, at all times requested by CM during operating hours upon at least 48-hours' notice, the Contractor shall, at no expense to CM, provide CM and its professional advisors, auditors and consultants, and any Person authorized by CM with access to the Work (including the staff performing the Work and the Equipment being used to perform the Work) to monitor, observe and review any Work (including the staff performing the Work and the Equipment being used to perform the Work) being performed, provided that such access is not a health and safety risk to the Contractor's staff, or to CM's personnel, and the Contractor shall, and shall cause the Subcontractors to, provide, and cooperate with CM in providing, such access. The Contractor shall provide access to such Work (including the staff performing the Work and the Equipment being used to perform the Work) whenever and wherever it is in progress and the Contractor shall provide sufficient, safe and proper facilities in respect of such access. Without limiting the generality of the foregoing, during such access, CM may monitor the Work (including the staff performing the Work and the Equipment being used to perform the Work) provided that such monitoring, observing or reviewing of the Contractor's Work or Equipment shall not cause unreasonable delays to the Contractor's performance of the Work.
- (b) If any Work is found by CM, acting reasonably, not to be in accordance with the requirements of this MSA, the Contractor shall, at no expense to CM, make good such defective Work.
- (c) CM, and other parties identified by CM, shall be entitled to use information obtained pursuant to this Section 5.3 for the administration of this MSA and any internal purposes.

### 5.4 Contingency Plan

In the event of a Contractor Default or a Material Contractor Default, CM may direct the Contractor, at the Contractor's expense, to:

- (a) prepare and present to CM, for review and approval, a contingency plan ("**Contingency Plan**") as soon as practical, but not later than five (5) Business Days after the earlier of the Contractor becoming aware of, or CM notifying the Contractor of, Work that is not compliant with the terms of this MSA. Such

## RC MASTER SERVICES AGREEMENT

Contingency Plan shall demonstrate how the Contractor shall address the non-compliant Work and prevent similar non-compliant Work in the future; and

- (b) commence the implementation of the Contingency Plan approved by CM as soon as practical, but not later than within two (2) Business Days of CM approving the Contingency Plan; and
- (c) otherwise take all measures necessary to address the Work that is not compliant with the terms of this MSA.

### **ARTICLE 6 COMPENSATION**

#### 6.1 Canadian Funds

All amounts in this MSA are in Canadian funds.

#### 6.2 Documentation and Payment

- (a) CM may issue a purchase order in respect of each Statement of Work. Any such purchase order shall be solely for the convenience of CM and, notwithstanding any of the provisions set out in such purchase order, shall not create any binding obligations of either CM or the Contractor or in any way be deemed to supersede or amend this MSA or any Statement of Work or be considered to form part of this MSA or any Statement of Work.
- (b) Subject to Section 6.2(c), after there is a Work Report for the Month in respect of a calendar month, CM shall pay the Contract Price for the Work performed, in accordance with the requirements of the MSA and each applicable Statement of Work, during the calendar month related to such Work Report for the Month, within thirty (30) calendar days of the date the Work Report for the Month is agreed upon by the Contractor and CM.
- (c) CM shall not pay the Contract Price of the Work performed during a calendar month until at least forty-five (45) calendar days after the last day of such calendar month.
- (d) For clarity, CM shall have no obligation to make any payments in respect of a calendar month until CM has received all items required from the Contractor in respect of such calendar month, including the Work Report for the Month, pursuant to the provisions of this MSA, including the applicable Statements of Work, and the items are deemed acceptable to CM, acting reasonably.
- (e) Where the Contractor disputes the amount of a payment, the Contractor shall issue a written notice to CM describing the reasons for the disputed amount.
- (f) Price adjustments may be made pursuant to Section 6.4.
- (g) The Contractor shall inform CM of any payment errors that result in overpayment by CM in a timely manner by issuing a written notice informing CM of the credit necessary to correct such error in the next payment or, if the

## RC MASTER SERVICES AGREEMENT

overpayment is in respect of the last payment, by issuing a refund to CM within thirty (30) calendar days.

### 6.3 Taxes

- (a) Except for applicable taxes payable by CM pursuant to any Statements of Work, all taxes, including any sales, use, excise and similar value added taxes, however denominated or measured, imposed upon the price or compensation under this MSA or any Statements of Work, or upon the Work provided hereunder or thereunder, or based on or measured by gross receipts or net income, or measured by wages, salaries or other remuneration of the Contractor's employees, will be solely the responsibility of the Contractor. The Contractor will deposit, or cause to be deposited, in a timely manner with the appropriate taxing authorities all amounts required to be withheld.

### 6.4 Price Adjustment

- (a) Price adjustments may be specified in a Statement of Work.

### 6.5 Monies Due to CM

- (a) In the event there are any monies payable to CM by the Contractor under the terms of this MSA, CM shall invoice the Contractor for such amounts and the Contractor shall pay such amounts to CM in accordance with such invoice.

### 6.6 Other Requirements

- (a) The Contractor is not eligible for any payment until after the performance of Work under a Statement of Work.

### 6.7 Interest

- (a) The Contractor shall be entitled to interest upon any amounts owing for more than thirty (30) calendar days following the date on which payment is due on account of delay in payment by CM, until payment of the unpaid amount. The interest shall be simple interest payable monthly at a rate of one percent (1%) per annum plus Prime.

### 6.8 Limited Liabilities

- (a) Subject to Section 6.8(b), the total cumulative liability of the Contractor to CM for all Losses and Claims of any kind with respect to this MSA, whether based on tort, negligence, contract, warranty, strict liability or otherwise shall be the total amount of the Contract Price paid to the Contractor for the Work, provided that in the first twelve (12) months after the Effective Date, such total cumulative liability shall be the greater of (i) the total amount of the Contract Price paid to the Contractor for the Work and (ii) CM's reasonable estimate of the Contract Price expected to be paid to the Contractor for the Work during the first twelve (12) months after the Effective Date (the "**Contractor Liability Threshold**").

## RC MASTER SERVICES AGREEMENT

- (b) The Contractor Liability Threshold and Section 6.8(a) shall not apply to any Losses and Claims arising out of, or in consequence of, any one or more of the following for which there shall be no limit of liability:
  - (i) all costs to complete the Work, in accordance with this MSA, including the applicable Statements of Work, that are in excess of Contract Price; and
  - (ii) indemnification by the Contractor as set out in Section 7.2(a).
- (c) The total cumulative liability of CM to the Contractor for all Losses and Claims of any kind with respect to this MSA, whether based on tort, negligence, contract, warranty, strict liability or otherwise shall be the total amount of the Contract Price paid to the Contractor for the Work, provided that in the first twelve (12) months after the Effective Date, such total cumulative liability shall be the greater of (i) the total amount of the Contract Price paid to the Contractor for the Work and (ii) CM's reasonable estimate of the Contract Price expected to be paid to the Contractor for the Work during the first twelve (12) months after the Effective Date (the "**CM Liability Threshold**").

**ARTICLE 7**  
**FAILURE TO PERFORM, REMEDIES AND TERMINATION**

7.1 Time of the Essence

- (a) Time shall be of the essence for the performance of the Contractor's obligations under this MSA, including the performance and completion of the Work. The Work shall be delivered within the time promised, failing which CM reserves the right to terminate this MSA, or portion thereof including one or more Statements of Work, in accordance with Section 7.4 without penalty or prejudice to any other right to remedy available to CM.
- (b) In a case that the Contractor fails to perform the Work in accordance with the terms, conditions and specifications of this MSA, including any Statements of Work, CM may give the Contractor notice as a written warning detailing the performance failure.

7.2 Responsibility for Damages/Indemnification

- (a) Contractor Indemnity:
  - (i) The Contractor shall indemnify and hold harmless CM and its officers, directors, employees, agents and representatives (collectively, the "**CM Indemnitees**") from and against any and all Losses and Claims brought against, suffered, sustained or incurred by the CM Indemnitees, directly or indirectly arising out of this MSA attributable, wholly or in part, to:
    - (A) bodily injury, sickness, disease or death or to damage to or destruction of tangible property occurring in or on the premises or any part thereof and as a result of activities under this MSA;

## RC MASTER SERVICES AGREEMENT

- (B) any negligent acts or omissions by, or willful misconduct of, the Contractor, its officers, agents, servants, employees, licensees or subcontractors, including failing to exercise the standard of care, skill judgment and diligence required pursuant to Section 4.1(f);
  - (C) failure to comply with, or breach of, any of the Contractor's obligations under this MSA;
  - (D) damages caused by the Contractor, its officers, agents, servants, employees, licensees or subcontractors, or arising from the execution of the Work, or by reason of the existence or location or condition of Work or any materials, plan or Equipment used thereof or therein, or which may happen by reason of the failure of the Contractor, its officers, agents, servants, employees, licensees or subcontractors to do or perform any or all of the several acts or things required to be done by them under this MSA; or
  - (E) any breaches, assessments, fines, penalties, orders or allegations of non-compliance under Applicable Law, including the Regulation, Bylaws or any applicable policy of the Authority directly attributable, in whole or in part, to the acts or omissions of the Contractor, its officers, agents, servants, employees, licensees or subcontractors, except to the extent such assessment is attributable to the negligence, willful misconduct or breach of this MSA by CM.
- (ii) Without limiting the generality of any other provision in this MSA, the Contractor shall indemnify and hold the CM Indemnitees harmless from and against any and all Losses and Claims brought against, suffered, sustained or incurred by the CM Indemnitees attributable to, wholly or in part, any acts or omissions either in negligence or nuisance whether wilful or otherwise by the Contractor, its officers, agents, servants, employees, licensees or subcontractors.
  - (iii) Notwithstanding any other provision in this MSA, indemnification by the Contractor pursuant to this Section 7.2(a) shall include claims, demands, actions, suits and other proceeding by Persons against the CM Indemnitees for consequential, indirect, incidental, special, exemplary, punitive or aggravated damages, loss profits or revenues or diminution in value.
  - (iv) The Contractor acknowledges that CM holds the benefit of any provision in this MSA, including under this Section 7.2(a).
- (b) CM Indemnity
    - (i) CM shall indemnify and hold harmless the Contractor, and its respective elected officials, officers, directors, employees, agents and representatives (the "**Contractor Indemnitees**") from and against any

## RC MASTER SERVICES AGREEMENT

and all Losses and Claims brought against, suffered, sustained or incurred by the Contractor Indemnitees, directly or indirectly arising out of this MSA attributable, wholly or in part, to any grossly negligent acts or omissions by, or willful misconduct of, CM, its officers, agents, servants, employees, licensees or contractors (other than the Contractor).

### 7.3 Force Majeure

- (a) Subject to Section 7.3(b), "Force Majeure Event" means any event or circumstance beyond the reasonable control of either CM or the Contractor (other than a lack of funds or other financial reason) including the following:
  - (i) Unusually Severe Adverse Weather Conditions; and
  - (ii) riots, war, rebellion, sabotage and atomic or nuclear incidents.
- (b) A Force Majeure Event shall not include the following events or circumstances:
  - ( ) weather conditions that are not Unusually Severe Adverse Weather Conditions;
  - (i) an electricity system outage, unless the electricity system outage affects an entire Registered Community and persists for at least forty-eight (48) hours and is caused by a Force Majeure Event;
  - (ii) unavailability of, or delays in delivery or breakage of, or shortage of, Equipment or materials, unless such unavailability, delays, breakage or shortage are caused by a Force Majeure Event;
  - (iii) the quantity of PPP collected or received differs from the Contractor's expectations;
  - (iv) delay or other failure arising out of the nature of the Work to be done, or from any normal difficulties that may be encountered in the performance of the Work, having regard to the nature thereof;
  - (v) if and to the extent the Party seeking to invoke the Force Majeure Event has caused the applicable Force Majeure Event by its (and, in the case of the Contractor, Subcontractor's) fault or negligence; or
  - (vi) if and to the extent the Party seeking to invoke the Force Majeure Event has failed to use reasonable efforts to prevent or remedy the Force Majeure Event, so far as possible and within a reasonable time period.
- (c) Circumstances relating to Pandemic Conditions shall not be regarded as a Force Majeure Event.
- (d) A Party that experiences a Force Majeure Event shall use all commercially reasonable efforts to end the Force Majeure Event, ensure the effects of the

## RC MASTER SERVICES AGREEMENT

Force Majeure Event are minimized and resume full performance under this MSA.

- (e) In the event that either CM or the Contractor shall be unable to fulfil, or shall be delayed, or shall be prevented from the fulfilment of, its obligation under this MSA by reason of a Force Majeure Event, then either Party shall forthwith notify the other in writing and CM shall:
  - (i) terminate this MSA or any affected Statements of Work as soon as reasonably practicable in writing and without any further payments being made;
  - (ii) perform, or engage others to perform, the obligations under this MSA that are impacted by the Force Majeure Event; and/or
  - (iii) authorize the Contractor to continue the performance of this MSA in writing with such adjustments and/or amendments as required by the existence of the Force Majeure Event and as agreed upon by both Parties acting reasonably. If the Parties cannot agree upon the adjustments and/or amendments, it is agreed by the Parties that this MSA shall be immediately terminated with no further obligations by either Party.
- (f) For clarity, the Contractor shall not be entitled to be paid for obligations under this MSA that it does not perform as a result of a Force Majeure Event.
- (g) For the purposes of clarification and notwithstanding any other provision in this MSA, the Contractor shall be solely responsible for maintaining all Work, including collection services, as applicable, in all circumstances that are not Force Majeure Events, in compliance with the requirements of this MSA.

#### 7.4 MSA Termination

- (a) Any termination of this MSA or termination of the Contractor's right to perform the Work (or any part thereof) by CM shall be without prejudice to any other rights or remedies CM may have.
- (b) Without prejudice to any other right or remedy CM may have under this MSA, CM may terminate this MSA, or any Statements of Work, or terminate the Contractor's right to perform the Work (or any part thereof) as follows:
  - (i) notwithstanding any other section of this MSA, if there is a Legislative Change, immediately, upon written notice being provided to the Contractor;
  - (ii) if there is a Material Contractor Default, immediately, upon written notice being provided to the Contractor;
  - (iii) if there is a Contractor Default and the Contractor has failed to cure such Contractor Default within fifteen (15) Business Days after receipt of notice of such Contractor Default, or within the time specified in a Contingency Plan approved by CM in accordance with Section 5.4, or

## RC MASTER SERVICES AGREEMENT

within such other time as mutually agreed between the Parties, immediately, upon written notice being provided to the Contractor; and

- (iv) if the Parties cannot agree upon a Change Order, immediately, upon written notice being provided to the Contractor. Without limiting the generality of the foregoing, CM may exercise the right of termination provided for in this Section 7.4(b)(iv), if the Parties cannot agree upon a Change Order in respect of a Communications pursuant to Section 8.16.
- (c) If CM terminates this MSA or any Statement of Work as noted above, CM is entitled to:
  - (a) Take possession immediately of all the PPP;
  - (b) Withhold any further payments to the Contractor until the completion of the Work; and
  - (c) Recover from the Contractor, any loss, damage, and expense incurred by CM by reason of the Contractor's default under Sections 7.4(b)(ii) or 7.4(b)(iii), which may be deducted from any monies due, or becoming due, to the Contractor.
  - (d) For clarity, if CM terminates this MSA or any Statement of Work because of a Legislative Change or pursuant to Section 7.4(b)(iv), then, subject to the other provisions of this MSA, CM shall only be required to pay the Contractor for the Work performed prior to the date of termination, less any amounts already paid for Work performed, and not for lost profits.
  - (e) The Contractor may terminate this MSA, or any Statements of Work, as follows:
    - (i) without cause at any time, upon eighteen (18) months' written notice being provided to CM;
    - (ii) for non-payment of undisputed amounts due and payable under this MSA, if CM has failed to cure such non-payment within sixty (60) days after receipt of a notice of non-payment, the Contractor may terminate this MSA with thirty (30) days' notice; and
    - (iii) for breach of CM's confidentiality obligations under Section 8.12 of this MSA, if CM has failed to cure such breach of confidentiality within sixty (60) days after receipt of a notice of such breach, the Contractor may terminate this MSA with thirty (30) days' notice.

## 7.5 Remedies

- (a) The rights and remedies of CM as set forth in any provision of this MSA, including Section 7.4, shall not be exclusive and are in addition to any other rights or remedies provided by law or in equity or otherwise.



## RC MASTER SERVICES AGREEMENT

- (b) The exercise of any remedy provided by this MSA does not relieve the Contractor from any liability remaining under this MSA.
- (c) CM may take such steps as it considers necessary to remedy any breach of contract and any damages or expenditures thereby incurred by CM plus a reasonable allowance for overhead may be collected by deduction or set-off pursuant to Section 7.4(c).
- (d) No waiver of any right or obligation of either Party hereto shall be effective unless in writing, specifying such waiver, and executed by the Party against whom such waiver is sought to be enforced. Except as otherwise set forth in this MSA, no failure to exercise, or delay in exercising, any rights, remedy, power or privilege arising from this MSA shall operate or be construed as a waiver thereof, nor shall any single or partial exercise of any right, remedy, power, or privilege hereunder preclude any other or further exercise thereof or the exercise of any other right, remedy, power, or privilege. A waiver by either Party of any of its rights under this MSA on any occasion shall not be a bar to the exercise of the same right on any subsequent occasion or of any other right at any time.

#### 7.6 Disputes

- (a) If there is a dispute between CM and the Contractor as to their respective rights and obligations, the Parties shall use the following dispute resolution procedures to resolve such dispute:
  - (i) The Parties shall attempt to resolve the dispute through informal discussions;
  - (ii) If, after a period of ten (10) Business Days, either Party believes the dispute will not be resolved through informal discussion, the dispute shall be referred by the Parties to non-binding mediation whereby the fees and expenses of the mediator will be divided equally (i.e., 50/50) between CM and the Contractor. The mediator will be appointed jointly by the Parties; and
  - (iii) If the Parties are unable to resolve the dispute within a period of thirty (30) calendar days after the first mediation session, the dispute shall be resolved through binding arbitration in accordance with Section 7.7.

#### 7.7 Arbitration

- (a) As provided for in Section 7.6(a)(iii), disputes shall be resolved through binding arbitration in accordance with the Arbitration Act, RSA 2000, C A-43 ("**Arbitration Act**"), as amended from time to time.
- (b) CM and the Contractor shall agree on an arbitrator within ten (10) Business Days after either Party receives notice from the other Party. If the Parties fail to agree, either Party may apply to a court of competent jurisdiction for the appointment of an arbitrator in accordance with the Arbitration Act, as amended.

## RC MASTER SERVICES AGREEMENT

- (c) No one shall be named or act as an arbitrator who is interested in any way financially in this MSA or in the business affairs of either Party or has been directly or indirectly involved to settle the matter.
- (d) The arbitrator is not authorized to make any decision inconsistent with this MSA or any Statement of Work, nor shall the arbitrator modify or amend any of this MSA terms.
- (e) The Parties agree that the award made by the Arbitrator shall be final and binding and shall in all respect be kept and observed.
- (f) The arbitrator, or arbitral tribunal, will apportion the costs of the arbitration to the Parties.
- (g) The Contractor shall be deemed to abandon the matter if no arbitrator has been appointed within six (6) months of CM's receipt of the notice specified in Section 7.7(b).
- (h) No matter may be submitted to arbitration except in accordance with the above provisions.

#### 7.8 Choice of Forum

Any legal suit, action, litigation, or proceeding of any kind whatsoever in any way arising out of, from or relating to this MSA shall be instituted in the courts of the City of Calgary, Alberta, and each Party irrevocably submits to the exclusive jurisdiction of such courts in any such suit, action, litigation or proceeding. Service of process, summons, notice, or other document by mail or personal service to such Party's address set forth herein shall be effective service of process for any suit, action, litigation or other proceeding brought in any such court. Each Party agrees that a final judgment in any such suit, action, litigation, or proceeding is conclusive and may be enforced in other jurisdictions by suit on the judgment or in any other manner provided by law. The Parties irrevocably and unconditionally waive any objection to the venue of any action or proceeding in such courts and irrevocably waive and agree not to plead or claim in any such court that any such action or proceeding brought in any such court has been brought in an inconvenient forum.

### **ARTICLE 8 STANDARD CONDITIONS**

#### 8.1 Governing Law

This MSA will be interpreted and governed by the laws of the Province of Alberta.

#### 8.2 Compliance with Laws and Permits

- (a) The Contractor shall comply in all material respects with Applicable Law and shall perform and complete the Work, and cause the Work to be performed and completed, in accordance with and in compliance with all Applicable Law, including all Applicable Law related to the environment and health and safety. If there is a conflict between the standards required by Applicable Law, then

## RC MASTER SERVICES AGREEMENT

Contractor shall perform and complete the Work in compliance with the higher or more rigorous standard.

- (b) The Contractor shall obtain, and shall ensure Subcontractors obtain, all permits, permissions, licences, and approvals required to perform the Work.

### 8.3 Assignment

This MSA enures to the benefit of and is binding upon the Contractor and CM and their successors and permitted assigns. The Contractor shall not assign, transfer (including a change in control of Contractor), convey or otherwise dispose of this MSA, including any rights or obligations under this MSA, or its power to execute such MSA, without the prior written consent of CM.

### 8.4 Contractor to Make Examinations

The Contractor has made its own examination, investigation, and research regarding proper methods of providing the Work and all conditions affecting the Work under this MSA, and the labour, equipment and materials needed thereon, and the quantity of the work to be performed. The Contractor agrees that it has satisfied itself based on its own investigation and research regarding all such conditions, that its conclusion to enter into this MSA was based upon such investigation and research, and that it shall make no claim against CM because of any of the estimates, statements or interpretations made by any officer or agent of CM that may be erroneous.

### 8.5 Access to Records

- (a) The Contractor shall maintain in its designated local office full and complete operations, customer, financial and service accounts, books and records, as applicable to the Work, including records related to arranging, establishing or operating a collection system and records related to arranging, establishing or operating a promotion and education program, in each case in accordance with the Regulation, Bylaws and any applicable policy of the Authority (collectively, the "**Records**") that at any reasonable time shall be open for inspection and copying for any reasonable purpose by CM. In addition, the Contractor shall maintain in its head office reporting records and billing records pertaining to this MSA that are prepared in accordance with Generally Accepted Accounting Principles (GAAP). The Records shall include such reporting records and billing records and all records and payments under this MSA, as adjusted for additional and deleted services provided under this MSA. CM shall be allowed access to the Records for audit (including, as applicable to the Work, for an audit implemented in accordance with the Regulation, Bylaws or any applicable policy of the Authority) and review purposes.
- (b) The Contractor shall make available copies of certified weigh scale records for PPP collected under this MSA on request within two (2) Business Days of the request by CM. The weigh scale records may be requested for any period during the term of this MSA.

## RC MASTER SERVICES AGREEMENT

- (c) All records related to this MSA, including the Records, shall be maintained, and access granted pursuant to this Section 8.5, throughout the term of this MSA and for at least five (5) years thereafter.

#### 8.6 Insurance

- (a) The Contractor shall at its own expense obtain and maintain for the term of this MSA:
  - (i) Commercial general liability insurance on an occurrence basis for an amount not less than five million (\$5,000,000) dollars per each occurrence, five million (\$5,000,000) dollars general aggregate and a two million (\$2,000,000) dollars products-completed operations aggregate limit. The policy shall include CM as an additional insured with respect to the Contractor's operations, acts and omissions relating to its obligations under this MSA, such policy to include non-owned automobile liability, bodily injury, property damage, contractual liability, owners and contractors protective, products and completed operations, contingent employers liability, cross liability and severability of interest clauses;
  - (ii) Automobile liability insurance for an amount not less than five million (\$5,000,000) dollars per occurrence on forms meeting statutory requirements covering all owned, non-owned, operated, hired, and leased vehicles used in the execution of this MSA. The policy shall be endorsed to provide contractual liability coverage;
  - (iii) Environmental impairment liability insurance (on a claims made or occurrence made basis), covering the Work and services described in this MSA including coverage for loss or claims arising from contamination to third party property damage, bodily injury, cleanup costs and legal defense during the execution of this MSA. Such policy shall provide coverage for an amount not less than two million (\$2,000,000) dollars and shall remain in force for twelve (12) months following completion of Work; and
  - (iv) For all Statements of Work involving depots, "all risks" property insurance in amounts sufficient to fully cover, on a replacement cost basis without deduction for depreciation, any building in which the Work is being performed (including all depots applicable to such Statement of Work) and the Equipment contained therein and all other property owned by the Contractor or by others located therein including equipment, furniture and fixtures.
- (b) The Contractor shall not commence Work until documentation evidencing the insurance requirements of the Contractor, has been filed and accepted by CM. The documentation shall be certificates of insurance if purchased from a third party or evidence of self-insurance if applicable.
- (c) The commercial general liability policy is to contain, or be endorsed to contain, the following provisions:

## RC MASTER SERVICES AGREEMENT

- (i) The Contractor's insurance coverage shall be the primary insurance with respect to CM and its officers, directors, employees, agents and representatives. Any insurance, self-insurance, or insurance pool coverage maintained by CM shall be more than the Contractor's insurance and shall not contribute with it;
  - (ii) Coverage shall state that the Contractor's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability; and
  - (iii) Policies for the above must be kept continuous throughout the term of this MSA. If any of the above policies are being cancelled, the Contractor shall notify CM in writing at least thirty (30) calendar days prior to the effective date of cancellation. The Contractor shall provide proof of renewal or replacement of any other policies of insurance, on or before the expiry date, at the request of CM. CM reserves the right to request such higher limits of insurance or other types of policies appropriate to the Work as CM may reasonably require.
- (d) All coverages for Subcontractors shall be subject to the same insurance requirements as stated herein for the Contractor.

#### 8.7 Changes to MSA

- (a) Changes to this MSA, including any Statement of Work, may only be made in writing signed by duly authorized representatives of both Parties.
- (b) No Party shall have any obligation with respect to the implementation of a Change Order unless or until the Parties have reached agreement in writing and the Parties have entered into a Statement of Work in respect of such change.

#### 8.8 Change Management

- (a) CM shall be entitled to propose changes, alterations and/or amendments to the Work including removing all or a portion of the Work under any Statements of Work. If CM deems it prudent to require a change in the Work, CM shall notify the Contractor of the proposed change in the Work in writing ("**Change Notice**").
- (b) A Change Notice shall describe the change in the Work in sufficient detail to enable the Contractor to calculate and provide a change in cost estimate (the "**Cost Estimate**"), if any. The Contractor agrees that the Cost Estimate shall be provided in writing to CM within a period of fifteen (15) Business Days or other timeline agreed to with CM in writing from the date of receipt of the Change Notice.
- (c) The Cost Estimate shall include but is not limited to the following as it relates to the change in Work:

## RC MASTER SERVICES AGREEMENT

- (i) A comment on whether relief from compliance with Contractor's obligations under this MSA is required;
  - (ii) Any impact on Contractor's ability to meet its obligations and the terms and conditions set out in this MSA;
  - (iii) Any amendment that may be required to be made to the terms and/or conditions of this MSA; and
  - (iv) Any change in the Contractor's costs.
- (d) As soon as practicable after CM receives the Cost Estimate, the Parties shall act in good faith to resolve the issues set out in the Cost Estimate and Change Notice, including providing evidence that the Contractor has used best efforts, such as (where practicable) the use of competitive quotes with its subcontractors to minimize any increase in costs and maximize any reduction in costs, demonstrating that any expenditure to be incurred or avoided has been determined in a cost effective manner, and any other evidence deemed appropriate by the Contractor and CM, acting reasonably.
- (e) If the Contractor does not intend to use its own resources to implement any change in the Work, subject to prior written approval of CM, the Contractor may subcontract the required resources with the objective of ensuring that it obtains best value for money when procuring any Work, services, supplies, materials, or equipment required in relation to the change in the Work.
- (f) If the Parties agree to the Cost Estimate and Change Notice, as may be modified, amended or altered by the Parties, the Parties shall document the applicable changes to the Statement of Work ("**Change Order**") in respect of such modified, amended or altered Cost Estimate and Change Notice within five (5) Business Days after the Contractor receives confirmation from CM that such Cost Estimate and Change Notice are accepted. For clarity, the Cost Estimate and Change Notice shall not be implemented, unless and until, the Parties have entered into a Change Order in respect of such Cost Estimate and Change Notice.
- (g) Any change in the Work that causes, or is expected to cause, the Contractor's costs or any subcontractor's costs to decrease shall be treated as a benefit to the Contractor with the expectation and understanding that CM will also realize a proportional financial benefit in an amount to be negotiated in good faith between the Parties. If such an understanding cannot be reached, the Parties agree to resolve the difference through the dispute resolution provisions set out in this MSA.
- (h) Contractor's Proposed Change in the Work:
- (i) If the Contractor seeks to propose a change in the Work in accordance with an express entitlement in this MSA, it must notify CM in writing. The Contractor, in proposing a change in the Work, agrees to provide CM with the following information and details in writing:

## RC MASTER SERVICES AGREEMENT

- (A) A description of the proposed change in the Work in sufficient detail, to enable CM to evaluate it in full;
  - (B) Reasons in support of the Contractor's proposed change in Work;
  - (C) Set out the details and implications of the change in the Work, including any anticipated change in the costs of providing the Work by the Contractor;
  - (D) Indicate whether a variation to the Contract Price is proposed (and, if so, provide a detailed Cost Estimate of such proposed change); and
  - (E) Identify an appropriate timeframe for the implementation of the change in Work.
- (ii) CM agrees that it shall, in a timely manner, and in any event no later than fifteen (15) Business Days, evaluate the Contractor's proposed change in the Work, considering all relevant issues, including whether:
- (A) A change in the Contract Price will occur;
  - (B) The change affects the quality of the Work or the likelihood of successful delivery of the amended Work;
  - (C) The change will interfere with any relationship of CM with third parties;
  - (D) The financial strength of the Contractor is sufficient to perform the change; and
  - (E) The change materially affects the risks or costs to which CM is exposed.
- (iii) If CM accepts the Contractor's proposed change in the Work, the change in the Work shall be set out in a Change Order documenting all changes to the scope of Work and/or terms and conditions of this MSA. Where CM accepts the Contractor's change proposal CM shall notify the Contractor in a timely manner.
- (iv) If CM rejects the Contractor's change proposal, CM shall provide written reasons outlining the basis upon which the change in Work is not accepted by CM.
- (v) Unless CM specifically agrees to an increase in the Contract Price in writing, there shall be no increase in price because of a change in the Work proposed by the Contractor.
- (vi) Any change in the Work proposed by the Contractor that causes or that is expected to cause the Contractor's costs or any subcontractor's costs to decrease shall be treated as a benefit with expectation that CM will

## RC MASTER SERVICES AGREEMENT

also realize a proportional financial benefit in an amount to be negotiated in good faith between the Parties. The Parties agree to take all reasonable steps to negotiate the proportional financial benefit in good faith, failing which the Parties agree to resolve the difference through the dispute resolution provisions set out in this MSA.

- (i) Except as specifically confirmed in writing by the Parties in accordance with this Section 8.8, all Work shall remain unaltered and shall be performed in accordance with the terms and conditions of this MSA.

#### 8.9 Conflicts and Omissions

- (a) Neither Party to this MSA shall take advantage of any apparent error or omission in this MSA or any Statement of Work. Any Work not herein specified which is necessary for the proper performance and completion of any Work contemplated, which may be implied as included in this MSA, shall be done by the Contractor as if such Work had been specified and shall not be construed as a variation of the Work.
- (b) If the Contractor discovers any provision in this MSA which is contrary to, or inconsistent with any Applicable Law, the Contractor shall forthwith report the inconsistency or conflict to CM in writing and shall not perform the Work impacted by such inconsistency or conflict until it receives instructions from CM.

#### 8.10 Duty to Notify

- (a) As may be further specified in a Statement of Work, if the Contractor becomes aware of any problem and/or condition which may adversely affect the performance of the Work, or the ability of the Contractor to conform with any requirements for the term of this MSA, then the Contractor shall promptly, and in no event more than two (2) Business Days after becoming aware of same, notify CM, in writing, of such occurrence and of the nature of the relevant problem or condition in sufficient detail to permit CM to understand the nature and scope thereof. In any event, the Contractor will provide such written progress reports to CM as reasonably requested by CM but not less frequently than monthly unless otherwise agreed to in writing by CM.

#### 8.11 Intellectual Property

- (a) Subject to Sections 8.11(b) or 8.11(c) of this MSA, all Collection Data (including any Intellectual Property Rights residing therein) obtained by or made available to the Contractor in connection with this MSA (collectively, "**Documentation**") are the property of CM or such other entity as identified by CM, and the Contractor shall use such Documentation only as is necessary to perform the Work in accordance with this MSA or as necessary for internal operational, planning, or policy purposes and abiding by any regulatory requirements.
- (b) Notwithstanding any other provisions in Section 8.11, the Documentation that is subject to disclosure obligations or requirements to safeguard personal information for privacy purposes under the *Freedom of Information and*



## RC MASTER SERVICES AGREEMENT

*Protection of Privacy Act* (Alberta), an administrative or court order, and Documentation the content of which was ordinarily disclosed by the Contractor to the public in the normal course of its operations before the Effective Date, does not become part of the property of CM pursuant to Section 8.11. Where the Contractor is complying with any of the Applicable Law indicated in this Section 8.11(b), the Contractor shall not be considered to be breaching this MSA.

- (c) CM acknowledges and agrees that any Documentation, regardless of whether the property of CM pursuant to Section 8.11(a), may be a record for which the Contractor may have record retention and record destruction obligations pursuant to Applicable Law. Where such requirements imposed on the Contractor conflict with requirements that CM may have with respect to the same Documentation, the Contractor shall not be considered to be breaching this MSA, and the Parties will cooperate fully in resolving the matter.
- (d) Title to and all property right, title and interest in the Documentation and all Intellectual Property Rights in the Work, including all Intellectual Property Rights and personal property rights in or to the foregoing, shall transfer and are hereby assigned to CM free and clear of all encumbrances upon CM making any payment in accordance with this MSA which is attributable, either in whole or in part, to the relevant Work.
- (e) The Contractor acknowledges and agrees that CM shall have full ownership of all personal property rights and Intellectual Property Rights in any and all Documentation and all Intellectual Property Rights in the Work in accordance with the terms of this MSA.
- (f) The Contractor hereby waives all rights, including any and all moral rights, in and to the Work and Documentation and shall obtain such waivers from all applicable personnel of the Contractor. Where applicable, the Contractor shall endeavor to obtain from all of the subcontractors and personnel of the Contractor the rights and waivers necessary to transfer the ownership of the Work and Documentation (including any Intellectual Property Rights therein or related thereto) to CM.
- (g) Subject to the terms and conditions of this MSA, the Contractor acknowledges and agrees that CM shall be entitled to fully exploit the Work and Documentation without restriction, and CM acknowledges and agrees that the Contractor shall be entitled to use the Documentation in accordance with the Contractor's obligations under Applicable Law as set out in Section 8.11(b) and 8.11(c). To the extent the Contractor owns or possesses any Intellectual Property Rights required for full exploitation of the Work or Documentation, the Contractor hereby grants to CM a worldwide, exclusive, royalty-free, fully paid-up, transferable (to successors and assigns, including as a result of the acquisition of all or substantially all of the shares or assets of CM, or if required by law), license under such Intellectual Property Rights to fully exploit the Work and Documentation. The Contractor shall enable CM to fully exploit the Work and Documentation and any component thereof and to enjoy the full exercise of the rights conferred under this Section 8.11, including by, at CM's request, making available or delivering to CM where feasible as determined by the

## RC MASTER SERVICES AGREEMENT

Contractor such technology (including software and data) in the Contractor's possession, custody or control as is required for CM to exploit the Work and Documentation.

#### 8.12 Confidentiality Covenant

- (a) Confidential Information means information of or relating to a Party (the "**Disclosing Party**") that is designated as confidential or that reasonably should be understood to be confidential given the nature of the information and the circumstances of disclosure and has or will come into the possession or knowledge of the other Party (the "**Receiving Party**") whether such information is or has been conveyed verbally or in written or other tangible form, and whether such information is acquired directly or indirectly such as in the course of discussions or other investigations by the Receiving Party. Without limiting the foregoing, Confidential Information includes all technical, financial and business information, ideas, concepts or know-how, or relating to Work performance and Work delivery and the terms of this MSA. Confidential Information does not include information that: (i) was already known to the Receiving Party, without obligation to keep it confidential, at the time of its receipt from the Disclosing Party; or (ii) is or becomes available to the public other than as a result of a breach hereof by the Receiving Party; provided that the foregoing exceptions will not apply with respect to any personal information that is subject to privacy laws ("**Confidential Information**").
- (b) The Receiving Party shall:
- (i) take all measures reasonably required to maintain the confidentiality and security of the Confidential Information of the Disclosing Party;
  - (ii) not use or reproduce Confidential Information for any purpose, other than as reasonably required to exercise or perform its rights or obligations under this MSA;
  - (iii) not disclose any Confidential Information other than to employees, agents or subcontractors of the Receiving Party ("**Representatives**") to the extent, and only to the extent, they have a need to know the Confidential Information in order for Receiving Party to exercise its rights or perform its obligations under this MSA and who are bound by a legal obligation to protect the received Confidential Information from unauthorized use or disclosure; and
  - (iv) be responsible for any breach of this MSA by any of its Representatives.
- (c) Notwithstanding the above, the Receiving Party may disclose Confidential Information of the Disclosing Party to the extent required by a court of competent jurisdiction or other governmental authority or otherwise as required by Applicable Law, provided that, unless prohibited by Applicable Law, the Receiving Party gives the Disclosing Party an opportunity to oppose the disclosure or to seek a protective order protecting such Confidential Information prior to any such disclosure.

## RC MASTER SERVICES AGREEMENT

- (d) Upon expiry or termination of this MSA, or upon request by the Disclosing Party, the Receiving Party will return to the Disclosing Party, or irrecoverably destroy, any Confidential Information of the Disclosing Party.
- (e) Contractor will not access, collect, use, disclose, dispose of or otherwise handle information of or about individuals that is subject to Applicable Law relating to privacy ("**Privacy Laws**") in the performance of its obligations under this MSA, except: (i) to the extent necessary to perform the Work; (ii) in accordance with all Privacy Laws; and (iii) in a manner that enables CM to comply with all Privacy Laws, including that the Contractor will obtain appropriate consents from the applicable individuals to allow Contractor and CM to exercise their rights and to perform their obligations under this MSA as they relate to such information. Unless prohibited by Applicable Law, Contractor will immediately notify CM of any demand, or request by a third party (including any government or a regulatory authority) for the disclosure of any information of CM which is subject to Privacy Laws, and, to the maximum extent permitted by Applicable Law, will oppose, seek judicial relief of and appeal any such demand or request. Contractor will immediately notify CM if Contractor becomes aware that Contractor has failed to comply with Privacy Laws in connection with of this MSA.
- (f) Each Party agrees and acknowledges that any violation of this Section 8.12 may cause irreparable injury to the other Party and that, in addition to any other remedies that may be available (in law, in equity or otherwise), the injured Party shall be entitled to seek an injunction, specific performance or other equitable relief against the threatened breach of this Section 8.12 or the continuation of any such breach, without the necessity of proving actual damages or posting any bond or other security.

### 8.13 Severability

- (a) If, for any reason, any part, term, or provision of this MSA is held by a court of the Province of Alberta to be illegal, void or unenforceable, the validity of the remaining provisions shall not be affected, and the rights and obligations of the Parties shall be construed and enforced as if this MSA did not contain the particular provision held to be invalid.
- (b) If it should appear that any provision hereof conflicts with any statutory provision of the Province of Alberta or Government of Canada, said provision, which may conflict therewith, shall be deemed inoperative and null and void insofar as it may be in conflict therewith, and shall be deemed modified to conform to such statutory provisions.

### 8.14 Survival

All provisions of this MSA which expressly or by their nature survive the expiry or termination of this MSA shall survive the expiry or termination of this MSA, including the following: Section 6.8 (Limited Liabilities), Section 7.2 (Responsibility for Damages/Indemnification), Section 7.4 (MSA Termination), Section 8.11 (Intellectual Property) and Section 8.12 (Confidentiality Covenant).

## RC MASTER SERVICES AGREEMENT

**8.15 Further Assurances**

Each Party shall, at its expense, do, execute and deliver, or cause to be done, executed and delivered, such further acts and documents as the other Party may reasonably request from time to time for the purpose of giving effect to this MSA or carrying out the intention or facilitating the performance of the terms of this MSA.

**8.16 Revisions to this MSA**

Except as otherwise expressly stated in this MSA, no amendment, supplement, modification or waiver or termination of this MSA and, unless otherwise specified, no consent or approval by any Party, is binding unless executed in writing and signed by an authorized representative of each Party. Notwithstanding the foregoing, CM may propose any revisions to this MSA necessary to comply with amendments to the Regulation or other notices, interpretations, rulings, directives or other communications issued pursuant to the Regulation (collectively, "**Communications**"), and CM will provide the Contractor with written notice of such proposed revisions as soon as reasonably practicable. Such revision shall automatically have effect from the date of the Change Order, if any, related to such Communications. CM shall make commercially reasonable efforts to consider and respond to reasonable written feedback related to such revisions received from the Contractor within thirty (30) calendar days of receiving such feedback.

**8.17 Counterparts**

This MSA may be executed in counterparts, each of which shall be deemed an original and which, taken together, shall constitute one and the same instrument. Each counterpart of this MSA may be executed by electronic signature. CM and the Contractor shall execute and deliver such further and other documents and do and perform such further and other acts or things as may be necessary or desirable to give full effect to this MSA.

**8.18 Notice**

Unless expressly stated otherwise, any notice, request, consent, claim, demand, waiver or other communication required or permitted to be given in connection with this MSA must be given in writing and will be given by hand or sent by courier or emailed, in each case addressed as follows, and will be deemed to have been received on the day of receipt if by hand or courier, or if given by email three (3) Business Days after confirmation of email transmission.

**To CM:**

Circular Materials  
1 St. Clair Avenue West, Suite 700  
Toronto, ON M4V 1K6  
Attention: Director, Supply Chain Services  
Email: [operations@circularmaterials.ca](mailto:operations@circularmaterials.ca)

**To Contractor:**



[Contractor]

[Address Line 1]

[Address Line 2]

Attention: [●]

Email: [●]

**ARTICLE 9  
MSA SCHEDULE**

9.1 MSA Schedule

Attached to and forming an integral part of this MSA is Schedule A – Statement(s) of Work.



**IN WITNESS WHEREOF**, the terms and conditions of this MSA are acknowledged and agreed to by the Parties as of the date first listed above.

[Contractor]

---

Name:  
Title:

---

Name:  
Title:

We have authority to bind the Contractor.

**Circular Materials**

---

Name: Allen Langdon  
Title: CEO

I have authority to bind CM.

**SCHEDULE A**  
**STATEMENT OF WORK FOR COMMUNITY CURBSIDE COLLECTION**  
**for**  
**MASTER SERVICES AGREEMENT**  
**Number 2024-00-[●]**



**Table of Contents**

**STATEMENT OF WORK.....1**

**EXHIBIT 1: SCOPE OF WORK AND OTHER PROVISIONS.....4**

**Article 1 Definitions.....4**

    1.1 Definitions.....4

**Article 2 Scope of Collection Services .....6**

    2.1 Scope of Collection Services.....6

**Article 3 Service Provision .....7**

    3.1 Set-Out Location .....7

    3.2 Addition or Removal of Residential Premises .....7

    3.3 PPP to be Collected.....7

    3.4 Collection Containers.....8

    3.5 Non-Compliance .....8

    3.6 Unloading PPP.....8

**Article 4 Record Keeping and Reporting Requirements.....11**

    4.1 Record Keeping and Reporting Requirements.....11

**Article 5 Documentation and Payment .....13**

    5.1 Documentation and Payment.....13

**EXHIBIT 2: SINGLE-FAMILY DWELLINGS and MULTIPLE-FAMILY DWELLING STOPS.....14**

**EXHIBIT 3: MULTIPLE-FAMILY DWELLINGS .....15**

**EXHIBIT 4: PPP TO BE COLLECTED .....16**

**EXHIBIT 5: COMPENSATION .....17**



## **STATEMENT OF WORK**

STATEMENT OF WORK NUMBER: [●]

This statement of work ("**Statement of Work**") is incorporated into and forms part of the Master Services Agreement ("**MSA**"), made as of [●] between [Contractor] a [●] having a place of business at [●] ("**Contractor**") and Circular Materials, a federal not-for-profit corporation, having a place of business at 1 St. Clair Avenue West, Suite 700, Toronto, ON, M4V 1K6 ("**CM**", and with the Contractor, each a "Party" and collectively the "**Parties**"), with an effective date of [●] (the "**Statement of Work Effective Date**").

NOW, THEREFORE, in consideration of the promises, mutual covenants, and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties acknowledge and agree to all covenants, terms, and conditions as stipulated in the MSA, as follows:

1. Beginning on the Service Commencement Date, the Contractor shall perform the Work required by this Statement of Work, including collecting PPP, and delivering the PPP to a Receiving Facility, for all Residential Premises located within the applicable Registered Community(ies) listed in Exhibit 2 and Exhibit 3. For clarity, the Contractor shall perform the Work required by this Statement of Work for all Residential Premises located within a Registered Community listed in Exhibit 2 and Exhibit 3 on the applicable Service Commencement Date, even if such Residential Premises is not included in the number of Single-Family Dwellings or Multiple-Family Dwellings listed in Exhibit 2 or Exhibit 3 respectively.
2. The Work under this Statement of Work shall include all the Contractor's other obligations under the MSA.
3. The period during which the Work required by this Statement of Work is to be performed is from the Service Commencement Date, until [●]. Pursuant to Section 2.1(b) of the MSA, CM and the Contractor may, by Change Order, extend this Statement of Work. The initial term and any such additional term or terms are herein referred to as the "**SOW Term**".
4. The full compensation for the Work under this Statement of Work shall be as set forth in Exhibit 5, which excludes applicable taxes. Applicable taxes are payable by CM to the Contractor on the price of the Statement of Work.
5. In the event of the termination of the MSA in accordance with Section 7.5 of the MSA, CM shall only pay for the Work authorized by this Statement of Work which is performed prior to the termination date. For the purposes of clarity, CM shall not be liable to make any other payments in connection with this Statement of Work resulting from such termination of the MSA.
6. Capitalized terms not defined in this Statement of Work shall have the meaning set out in the MSA.
7. Attached and forming an integral part of this Statement of Work are the following exhibits:
  - i. Exhibit 1 – Scope of Work and Other Provisions;
  - ii. Exhibit 2 – Single-Family Dwelling and Multiple-Family Dwelling Stops;
  - iii. Exhibit 3 – Multiple-Family Dwellings;
  - iv. Exhibit 4 – PPP to be Collected; and

v. Exhibit 5 – Compensation.

**[Remainder of Page Intentionally Left Blank]**

**IN WITNESS WHEREOF**, the terms and conditions of this Statement of Work are acknowledged and agreed to by the Parties as of the date first listed above.

**[Contractor]**

By: \_\_\_\_\_  
Name:  
Title:

By: \_\_\_\_\_  
Name:  
Title:

We have authority to bind the Contractor.

**Circular Materials**

By: \_\_\_\_\_  
Name: Allen Langdon  
Title: CEO

I have authority to bind CM.

**EXHIBIT 1: SCOPE OF WORK AND OTHER PROVISIONS**

**ARTICLE 1  
DEFINITIONS**

**1.1 Definitions**

“**Collection Services**” means the Work required by this Statement of Work, which is the collection of PPP from Residential Premises listed in Exhibit 2 and Exhibit 3 located within a Registered Community and delivery of the collected PPP to a Receiving Facility.

“**Container Stream**” has the meaning set out in Section 3.3(f)(ii) of Exhibit 1 to this Statement of Work.

“**Fibre Stream**” has the meaning set out in Section 3.3(f) of Exhibit 1 to this Statement of Work.

“**Hazardous Waste**” means a hazardous and special product as set out in the Regulation.

“**Multiple-Family Dwellings**” means, collectively, (i) Multiple-Family Dwellings as defined in the Regulation, and (ii) sources agreed by the Parties to be Multiple-Family Dwellings for the purposes of the MSA (including the sources referred to in Exhibit 3).

“**New Residential Premises**” means new Residential Premises as agreed to by the Parties for the purposes of the MSA.

“**Non-Compliance**” means PPP set out incorrectly, inappropriately, or improperly prepared including the following reasons:

- (i) container contains Out-of-Scope Material;
- (ii) PPP not properly sorted;
- (iii) recycling container is not suitable; or
- (iv) cardboard is oversized.

“**Out-of-Scope Material**” means material which is not PPP.

“**Receiving Facility**” or “**RF**” means any facility that accepts PPP from a collection contractor acting on behalf of CM.

“**Residential Premises**” means Single-Family Dwellings and Multiple-Family Dwellings but does not include institutional accommodations or visitor accommodations.

“**Service Commencement Date**” means the date of April 1<sup>st</sup>, 2025, on which Collection Services will begin in a Registered Community.

“**Single-Family Dwellings**” means, collectively, (i) Single-Family Dwellings as defined in the Regulation, and (ii) sources agreed by the Parties to be Single-Family Dwellings for the purposes of the MSA (including the sources referred to in Exhibit 2).

“**Single Stream**” means Fibre Stream and Container Stream materials combined.

“**SOW Term**” has the meaning set out in the recitals to this Statement of Work.

**“Statement of Work Effective Date”** has the meaning set out in the recitals to this Statement of Work.

**“Stops”** means, collectively, the number of Single-Family Dwellings and Multiple-Family Dwellings.

**“Two Stream”** means Fibre Stream and Container Stream materials kept separate.

**“Valuation Type”** or **“Valtype”** means the source of PPP, including Single-Family Dwellings and Multiple-Family Dwellings. The Valtype shall be recorded on weigh scale tickets.

## **ARTICLE 2 SCOPE OF COLLECTION SERVICES**

### **2.1 Scope of Collection Services**

- (a) The Contractor shall provide Collection Services in accordance with the service level requirements as denoted in Exhibit 2 and Exhibit 3.
- (b) The Collection Services include:
  - (i) picking up PPP from Residential Premises in the Registered Community(ies);
  - (ii) Collection Vehicle compacting to a maximum compaction rate of 2.5:1;
  - (iii) unless otherwise agreed to by the Parties, delivery of collected PPP to a Receiving Facility and unloading by material stream; and
  - (iv) for New Residential Premises which did not receive Collection Services prior to the Service Commencement Date, the Contractor shall provide Collection Services in a manner meeting or exceeding the standard, level, scope, and quality of Collection Services a similar Residential Premises received immediately prior to the Service Commencement Date and that complies with the terms of the MSA and this Statement of Work.
- (c) Without limiting the generality of the foregoing, the Collection Services shall meet the applicable requirements of sections 16, 17, 18 and 19 of the Regulation.
- (d) The Contractor shall retain responsibility for, and control of, PPP from the point of collection through to delivery to a Receiving Facility.
- (e) CM shall not be obligated to join or instigate litigation to protect the right of the Contractor. The Contractor may independently enforce its rights under this Statement of Work against third party violators, including but not limited to seeking injunctive relief.

### **ARTICLE 3 SERVICE PROVISION**

#### **3.1 Set-Out Location**

- (a) The Contractor shall provide Collection Services for PPP from all Residential Premises listed in Exhibit 2 and Exhibit 3.
- (b) The Contractor shall work with Multiple-Family Dwellings to determine the optimal set-out location of the recycling containers, which best meets the needs of the Residential Premises and the Contractor.

#### **3.2 Addition or Removal of Residential Premises**

- (a) Notwithstanding Section 8.8 of the MSA, CM and the Contractor may make changes of a minor nature to this Statement of Work to add New Residential Premises, or remove existing Residential Premises, and make related revisions to the relevant exhibits, by amendment. If CM considers, in its sole discretion, such proposed changes to be of a material nature, the change management process of Section 8.8 of the MSA shall apply.

#### **3.3 PPP to be Collected**

- (a) The Contractor will collect the PPP listed in Exhibit 4 placed in containers (including both Contractor-provided and customer-owned containers) from Residential Premises.
- (b) The Contractor will not scavenge, or permit its employees or Subcontractors to scavenge, any PPP which has been set out for collection during Contractor's performance of the Work.
- (c) The Contractor will use best efforts to reduce the quantity of Out-of-Scope Material in collected PPP to no more than four per cent (4%) by weight.
- (d) If the average amount of Out-of-Scope Material collected from Residential Premises in any rolling six (6) month period exceeds four per cent (4%) the Contractor will, within ninety (90) calendar days, prepare and submit to CM a plan including the identification of sources of Out-of-Scope Material and strategies and supporting measures to mitigate the amounts of Out-of-Scope Material. The Contractor will implement the plan and provide quarterly reporting to CM detailing the progress and outcomes of the plan. If improvement does not occur within ninety (90) calendar days after the start of plan execution, based on composition data provided by CM through their audit protocol, the Contractor will work with CM to establish additional changes and to adopt best practices recommended by CM.
- (e) The Contractor may not collect, and collected PPP may not contain, packaging containing Hazardous Waste.
- (f) PPP is to be collected from Residential Premises in the Registered Communities listed in Exhibit 2 and Exhibit 3 in a Single Stream or in Two Streams as listed in Exhibit 2 and Exhibit 3. Where a Registered Community receives collection in Two Streams, the streams are as follows unless otherwise agreed to by CM:
  - (i) Fibre Stream – Paper products and the following types of paper packaging:

- paper laminates;
  - kraft paper carry-out bags;
  - kraft paper – non-laminated;
  - corrugated cardboard; and
  - boxboard and other paper packaging.
- (ii) Container Stream – Plastic packaging, metal packaging, glass packaging, and the following types of paper packaging:
- gable top containers; and
  - aseptic containers.

### **3.4 Collection Containers**

- (a) Should the Community utilize standardized collection containers (i.e. boxes, bins or carts for residential collection), the Contractor is responsible for replacing a damaged or missing collection container when requested by a Residential Premises or CM, within one week of notification.

### **3.5 Non-Compliance**

- (a) If the Contractor visually identifies Non-Compliance in PPP set out for collection, the Contractor shall place in a prominent location a non-compliance notification tag identifying the specific problem(s) and reason(s) for Non-Compliance.

### **3.6 Unloading PPP**

- (a) The location(s) of the Receiving Facility(ies) for each Registered Community will be provided by CM no later than ninety (90) calendar days prior to the Service Commencement Date.
- (b) Contractor will deliver all collected PPP to the Receiving Facility identified by CM. The Contractor will not release PPP to anyone other than the Receiving Facility identified by CM or dispose of any collected PPP without prior written authorization from CM.
- (c) The Contractor will have access to a Receiving Facility located not more than 50 kilometers driving distance from the Registered Community's service area boundary at the point of least distance to such Receiving Facility. If locating a Receiving Facility within such distance is not feasible, the Parties shall negotiate, acting reasonably, an adjustment to Exhibit 5 to reflect the cost of transporting the collected PPP to the available Receiving Facility.
- (d) Delivery to a Receiving Facility shall adhere to the following steps:
- (i) The inbound Collection Vehicle shall pass over the weigh scale without exception. The operator of the Collection Vehicle must provide information ensuring a weigh scale ticket with all required data can be generated, in accordance with Section 4.1 of this Exhibit 1.
  - (ii) The Collection Vehicle shall go to the designated tipping floor area of the Receiving Facility.



- (iii) If the Collection Vehicle contains Fibre Stream and Container Stream, each stream must be deposited into the appropriate tipping floor area.
- (iv) A Collection Vehicle operator must take instruction from the tipping floor supervisor and only empty when permitted.
- (e) Collection Vehicles will be directed to return to the weigh scale after emptying the first compartment to get a split weight. After split weighing, a Collection Vehicle will return to the tipping floor area for the second compartment and empty the contents of the Collection Vehicle. The Collection Vehicle will then return to the weigh scale to obtain a tare weight.
- (f) If the Collection Vehicle experiences a bulkhead failure, the Collection Vehicle operator shall work with the tipping floor supervisor to separate the material from each compartment.
- (g) The Collection Vehicle must empty on every trip to the Receiving Facility. The Collection Vehicle operator must ensure each compartment is completely emptied before moving to the next tipping floor area and before leaving the property. The Collection Vehicle operator shall not clean out the Collection Vehicle in a manner which causes or may cause the Fibre Stream materials to be commingled with the Container Stream materials or vice versa.
- (h) Every Collection Vehicle must have a tare weight taken once every two months without exception. To alleviate the potential for backup and delays on the weigh scale, tare weight timing will be staggered.
- (i) In the event the designated Receiving Facility is unable to accept PPP from a Collection Vehicle, the Contractor shall immediately notify CM and the Collection Vehicle shall proceed to another Receiving Facility as directed by CM.
- (j) The Collection Vehicle operators shall comply with all operational protocol and procedures of the Receiving Facility during unloading of PPP.

### **3.7 Working Days and Hours of Operation for the Collection Services**

- (a) The Contractor shall perform Collection Services between the hours of 7:00 a.m. and 6:00 p.m. unless otherwise approved by CM.
- (b) Collection Services in each Registered Community shall be as approved by CM, respecting provincial statutory holidays in keeping with Alberta labour laws. Where materials are not collected on a statutory holiday, a replacement collection day shall be set by the Contractor, subject to CM approval.
- (c) The Contractor shall bear, at its own expense, any additional or unforeseen costs including, but not limited to, such overtime, rates for extra forces, and cost for any additional requirement or services as may be necessary to ensure continuous and uninterrupted service in accordance with Contractor's obligations under the MSA.

### **3.8 Missed Collections**

- (a) The Contractor shall collect one hundred per cent (100%) of the PPP set out on each approved collection route on the approved collection day in each Registered Community.
- (b) The failure of the Contractor to collect PPP in accordance with a collection route approved by CM shall be considered a missed collection. If notified of, or if the Contractor otherwise becomes aware of, a missed collection by 4 p.m. on the scheduled day of collection, the Contractor shall rectify the missed collection by collecting the PPP missed the same day, otherwise the PPP shall be collected on the next Business Day.
- (c) If the Contractor encounters any impassable obstruction, including utilities or other contractors working on the traveled portion of the collection route, the Contractor will return at least once on the same day at a mutually agreeable time, to collect the set out PPP. Without limiting the generality of the foregoing, the following are not considered to be impassable obstructions:
  - (i) parked vehicles;
  - (ii) moving vans; and/or
  - (iii) overground flooding of less than twenty (20) centimetres.

## **ARTICLE 4 RECORD KEEPING AND REPORTING REQUIREMENTS**

### **4.1 Record Keeping and Reporting Requirements**

- (a) The Collection Vehicle operator will provide the necessary information to the Receiving Facility representative ensuring the following data may be collected for each inbound vehicle:
  - (i) Date and time;
  - (ii) Originating Registered Community ID number;
  - (iii) Valtype (i.e., the type or the majority fraction of combined loads from Single-Family Dwellings and Multiple-Family Dwellings) as applicable to the load;
  - (iv) PPP onboard (e.g., Fibre Stream, Container Stream, or a Single Stream material type);
  - (v) Contractor ID number; and
  - (vi) Collection Vehicle number.
  
- (b) The Contractor shall ensure detailed records are kept for the PPP collected and delivered to a Receiving Facility including a record of the number of Collection Vehicles emptied per day, the weight in metric tonnes of each load if provided to the Contractor when the Contractor delivered a load to the Receiving Facility, and where the load was delivered ensuring a cross-correlation between Receiving Facility records and Contractor records can be made.
  
- (c) Within sixty (60) calendar days of the end of a calendar year, the Contractor shall annually provide a report to CM, in a form approved by CM, outlining kilometres driven and fuel consumed by Collection Vehicles in the delivery of the Work under this Statement of Work. The report will be organized to display information by Collection Vehicle category and where Collection Vehicles are used for a specific Valtype the information for Collection Vehicles will be listed separately.
  
- (d) Weigh scale receipts, if received from the Receiving Facility, must be maintained and made available upon request by CM in a format and manner acceptable to CM.
  
- (e) The Contractor shall, in addition to the records specified above, review a monthly summary report prepared by CM and provided to the Contractor via an online web-based interface by the fifth (5th) day of the month following the month addressed in the summary report. If the fifth (5th) day of the month falls on a non-Business Day, the report may be provided on the next Business Day. This report shall include the following information:
  - (i) Originating Registered Community ID number;
  - (ii) Total number of Stops;
  - (iii) Number of Stops added or removed through a contract amendment during the fiscal quarter;
  - (iv) Valtype of each load delivered to a Receiving Facility;
  - (v) Date and time of delivery and PPP onboard each load delivered to a Receiving Facility;

- (vi) ID number of Contractor delivering each load to a Receiving Facility;
- (vii) Collection route or zone number (if applicable);
- (viii) Collection Vehicle number;
- (ix) Collection Vehicle licence plate number; and
- (x) If available from the RF for each load delivered to a Receiving Facility:
  - A. Scale ticket number;
  - B. Gross weight (tonnes);
  - C. Tare weight (tonnes, including by split load if applicable); and
  - D. Net weight (tonnes; tonnes by compartment – Fibre Stream, Container Stream, where split-weighing occurs).
  
- (f) Within five (5) calendar days of the monthly summary report being provided to the Contractor via an on-line web-based interface, the Contractor shall review such monthly summary report and notify CM of (i) any discrepancies in such monthly summary report or (ii) the Contractor's acceptance of such monthly summary report as an accurate and complete Work Report for the Month in respect of the applicable calendar month. If the fifth (5) calendar day after such report is provided to the Contractor falls on a non-Business Day, the Contractor may notify CM on the next Business Day.
  
- (g) If the Contractor does not notify CM of any discrepancies in, or of the Contractor's acceptance of, such monthly summary report within the time specified in Section 4.1(f) of this Exhibit 1, the Contractor shall be deemed to have accepted such monthly summary report as an accurate and complete Work Report for the Month in respect of the applicable calendar month.
  
- (h) If the Contractor notifies CM of any discrepancies in a monthly summary report within the time specified in Section 4.1(f) of this Exhibit 1, CM will make commercially reasonable efforts to resolve the discrepancies and reissue such report within five (5) Business Days of being notified by the Contractor of such discrepancy. The Contractor shall review and respond to such reissued report in accordance with the requirements specified in Section 4.1(f) of this Exhibit 1 and Sections 4.1(f), 4.1(g) and 4.1(h) of this Exhibit 1 shall otherwise apply to such reissued report.
  
- (i) For greater certainty, the records required under this Section 4.1 of this Exhibit 1 shall be provided separately for each Registered Community.
  
- (j) CM may request, from time to time, reports or information required for CM to comply with its reporting obligations to the Authority or under Applicable Law.

## **ARTICLE 5 DOCUMENTATION AND PAYMENT**

### **5.1 Documentation and Payment**

- (a) Starting in the first calendar month after the Service Commencement Date for a Registered Community, the Contractor shall review and accept the monthly summary report for the Work performed in the prior calendar month for such Registered Community in accordance with Section 4.1 of this Exhibit 1. Once accepted, or deemed to be accepted, by the Contractor, such monthly summary report shall be a work report for the month (the "**Work Report for the Month**") in respect of the applicable calendar month.
- (b) If provided to the Contractor when the Contractor delivered a load to the Receiving Facility, the Contractor shall provide Collection Vehicle weigh scale records to CM upon request.
- (c) For clarity, the Contractor will only be paid for Work under this Statement of Work in respect of any calendar month once there is a Work Report for the Month for such calendar month.
- (d) For greater certainty, except as expressly set out in the MSA there shall be no increase to the prices set out in the Statement of Work for any changes to the Contractor's responsibilities.

**EXHIBIT 2: SINGLE-FAMILY DWELLINGS AND MULTIPLE-FAMILY DWELLING STOPS**

**Table 1**

SINGLE-FAMILY DWELLINGS STOPS					
Registered Community	Number of Single-Family Dwelling Stops (as of August 1, 2024)	Frequency of Collection (if available)	Collection Days (if available)	Collection Container	Streams
[Name of Registered Community]		(e.g. weekly, bi-weekly)	(e.g. Monday to Thursday)	(e.g. clear bag, blue box, cart)	(e.g. Single Stream, Two Stream)

**\*NOTE:** The information is based on available data at the time of the preparation of the Statement of Work. CM holds no responsibility or liability for actual figures which are different from the figures presented in this Exhibit.

**[NTD to MSA/SOW finalization:** This table would set out the number of Stops for Single-Family Dwellings which is applicable to the Registered Community.]

**Table 2**

MULTIPLE-FAMILY DWELLING STOPS	
Registered Community	Number of Multiple-Family Dwelling Stops (as of August 1, 2024)
[Name of Registered Community]	

**\*NOTE:** The information is based on available data at the time of the preparation of the Statement of Work. CM holds no responsibility or liability for actual figures which are different from the figures presented in this Exhibit.

**[NTD to MSA/SOW finalization:** This table would set out the number of Stops for Multiple-Family Dwellings which is applicable to the Registered Community.]

**EXHIBIT 3: MULTIPLE-FAMILY DWELLINGS**

MULTIPLE-FAMILY DWELLINGS							
Registered Community	Number of Multiple-Family Dwelling Units (as of August 1, 2024)	Street Address	Municipality	Frequency of Collection (if available)	Collection Days (if available)	Collection Container	Streams
[Name of Registered Community]				(e.g. weekly, bi-weekly)	(e.g. Monday to Thursday)	(e.g. clear bag, blue box, cart)	(e.g. Single Stream, Two Stream)

**\*NOTE:** The information is based on available data at the time of the preparation of the Statement of Work. CM holds no responsibility or liability for actual figures which are different from the figures presented in this Exhibit.

**[NTD to MSA/SOW finalization:** This table would set out the number of Multiple-Family Dwellings applicable to the Registered Community.]

**EXHIBIT 4: PPP TO BE COLLECTED**

**[NTD: INSERT PPP LIST]**

**\*NOTE: CM holds no responsibility or liability for information that is different from the information presented in this Exhibit.**



**EXHIBIT 5: COMPENSATION**

**1.1 Contract Price**

For each calendar month during the SOW Term, after the Service Commencement Date in respect of a Registered Community, the Contract Price for the Work performed under this Statement of Work in accordance with the requirements of the MSA in respect of such Registered Community shall be calculated as follows:

The Unit Price applicable to a Single-Family Dwelling Stop multiplied by the total number of Single-Family Dwelling Stops in Exhibit 2 Table 1 and the Unit Price applicable to a Multiple-Family Dwelling Stop multiplied by the total number of Multiple-Family Dwelling Stops in Exhibit 2 Table 2, for each Registered Community. For clarity, until Exhibit 2 and Exhibit 3 are amended or updated, the number of Single-Family Dwelling Stops listed in Exhibit 2 Table 1 and the number of Multiple-Family Dwelling Stops listed in Exhibit 2 Table 2 shall be used in the calculation of the Contract Price even if the number of Single-Family Dwelling Stops listed in Exhibit 2 Table 1 and/or the number of Multiple-Family Dwelling Stops listed in Exhibit 2 Table 2 are not the actual number of Single-Family Dwelling Stops and/or Multiple-Family Dwelling Stops.

For the purposes of this Statement of Work, “**Unit Price**” means the applicable Unit Price for the Registered Community applicable to the category of Single-Family Dwelling Stops and Multiple-Family Dwelling Stops, as set out in the attached pricing form.

**[NTD to MSA/SOW finalization: Attached to this Exhibit 5 will be the pricing form for the applicable Registered Community. The pricing form will include the applicable Unit Price for each category of Residential Premises.]**

**1.2 Consumer Price Index Price Adjustment**

- (a) Prior to the first payment to the Contractor for the month of April 2025, the Unit Price in the attached pricing form will be adjusted to account for changes in the Consumer Price Index since January 1, 2024. The adjustment shall be equal to the Unit Price multiplied by the year-over-year CPI Change. The Consumer Price Index price adjustment amount will be added to or subtracted from the Unit Price.
- (b) For the first calendar month immediately following the first annual anniversary of the Service Commencement Date and for each subsequent annual anniversary, the Unit Price shall be adjusted to account for changes in the Consumer Price Index and the adjustment shall be equal to the Unit Price for the prior year (“**Prior Year**”) multiplied by the year-over-year CPI Change. The Consumer Price Index price adjustment amount will be added to or subtracted from the Unit Price. An example is shown below:

Consumer Price Index Price Adjustment = Unit Price for the Prior Year x (CPI Change)

- (c) For the purposes of this Section 1.2 of Exhibit 5, “**CPI Change**” means (1) the average of the values for each of the prior twelve (12) calendar months for the Consumer Price Index, monthly, not seasonally adjusted – Alberta (Table 18-10-0004-13)  
(<https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=1810000413&pickMembers%5B0%5D=1.23&cubeTimeFrame.startMonth=12&cubeTimeFrame.startYear=2023&referencePeriods=20231201%2C20231201>), up to and including the prior calendar month divided by (2) the average of the values for each of the prior twelve (12) calendar months for the Consumer Price Index, monthly, not seasonally adjusted – Alberta (Table 18-10-0004-13), up to and including the calendar month one (1) year prior to the prior calendar month.
- (d) The Consumer Price Index table used to determine the CPI Change shall be subject to revision as agreed by the Parties in the case Statistics Canada materially changes such index or discontinues or replaces it.



# Request for Decision

**DATE OF MEETING:** November 5, 2024 **Agenda #: H 2**

**TO:** Council

**SUBJECT:** Property Tax Policy FIN-005 Amendment and Division of Class 1 Property Bylaw Amendment 2024-31 – Subclass Addition.

**SUBMITTED BY:** Katherine Van Keimpema, Financial Strategy Manager

**RECOMMENDATION:** That Council give first reading to Division of Class 1 Property Bylaw Amendment 2024-31 – Subclass Addition.

That Council give second reading to Division of Class 1 Property Bylaw Amendment 2024-31 – Subclass Addition.

That Council give leave to go to third reading of Division of Class 1 Property Bylaw Amendment 2024-31 – Subclass Addition.

That Council give third reading to Division of Class 1 Property Bylaw Amendment 2024-31 – Subclass Addition.

That Council approve Property Tax Policy FIN-005 as amended.

## EXECUTIVE SUMMARY

Included in the implementation plans for phasing out Tourist Homes and for implementing a Livability Tax Program presented to Council at the May 21 and June 18 Committee of the Whole meetings were actions requiring updating of the Property Tax Policy. The recommended policy amendments remove reference to the “Tourist Home – Personal Use” subclass and add the Livability Tax Program, including related taxation parameters.

## RELEVANT COUNCIL DIRECTION, POLICY, OR BYLAWS

At its meeting on June 6, 2023, Council passed resolution #120-23:

*Moved by Mayor Krausert that Council direct administration to report back to Council with proposed amendments to the Land Use Bylaw and policy amendments to phase out "Tourist Home" as a use.*

At its meeting on June 6, 2023, Council passed resolution #121-23:

*Moved by Mayor Krausert that Council direct administration to return to Council with a report on property tax policy options to incentivize purpose-built rentals and full-time/ long-term occupancy of residential units.*

At its meeting on January 9, 2024, Council passed resolution #16-24:

*Moved by Mayor Krausert that Council accept the Livability Task Force’s recommendations for information as presented and direct administration to develop an implementation plan.*

At the May 21, 2024 Committee of the Whole meeting administration provided a proposed implementation plan for phasing out the tourist home designation.

At the June 18, 2024 Committee of the Whole meeting administration provided a proposed implementation plan for a Livability Tax Program.

At its August 20, 2024 meeting, Council passed resolution #172-2024:

*Moved by Mayor Krausert that Council give third reading to Division of Class 1 Property Bylaw 2024-19.*

**DISCUSSION**

Two of the Livability Task Force’s recommendations were to phase out the Tourist Home designation and to investigate tax structures to incentivize full-time long-term occupancy of residential units. Council subsequently provided direction to develop implementation plans for each of these and at the May 21, 2024 and the June 18, 2024 Committee of the Whole meetings, administration provided these implementation plans. Both included updating the Division of Class 1 Property Bylaw, which was accomplished on August 20, 2024. As a result, the current Property Tax Policy FIN-005 requires updating to remove reference to the “Tourist Home – Personal Use” subclass and to add the Livability Tax Program (the Program). Both a redlined version of the current policy and an unmarked draft of the proposed policy are attached.

The proposed amendments are summarized as:

Policy Section	Description of Proposed Amendments
Accountability and clarity in collection of property taxes.	<ul style="list-style-type: none"> <li>• Add the Program.</li> <li>• Specify that Program revenue will be collected from the “Residential” and “Residential Vacant Serviced Land” subclasses of residential property.</li> <li>• “Residential” is a subclass separate from the “Primary Residential” subclass under the Division of Class 1 Property Bylaw 2024-19.</li> <li>• Specify that the program revenue will not be collected from the “Primary Residential” subclass.</li> </ul>
Equity and competitiveness in the distribution of the residential and non-residential tax share.	<ul style="list-style-type: none"> <li>• Provide clarity that the Program revenue will not be collected from the non-residential assessment classes of properties.</li> </ul>
Equity for vacant residential properties.	<ul style="list-style-type: none"> <li>• Change “residential class” to residential “subclass”.</li> <li>• Add clarification that the Program revenue will not be collected from Residential Vacant Unserviced Land subclass properties.</li> </ul>
Equity for tourist homes, visitor accommodation units, and residential properties.	<ul style="list-style-type: none"> <li>• Remove “and residential properties” from the title as with the changes to the Division of Class 1 Properties Bylaw, the “Residential” class does not have the same meaning as it previously did.</li> <li>• Remove reference to “Tourist Home – Personal Use” as it no longer exists.</li> <li>• Add clarification that the Program revenue will not be collected from “Tourist Home” properties.</li> </ul>
Policy Review	<ul style="list-style-type: none"> <li>• Update the next review date.</li> </ul>
Related Documents	<ul style="list-style-type: none"> <li>• Update the bylaw number for the Division of Class 1 Property Bylaw.</li> </ul>

The proposed amendments include the addition of the Program and specify which classes and subclasses will and will not be taxed for the revenue. An intention of the Program is to collect revenue for livability initiatives. This revenue is not intended to be collected from people using their property as a primary residence. By specifying the classes and subclasses the revenue will and won't be collected from, Council's intention is clearly captured in the amended Tax Policy.

One section of the current policy groups tourist homes, visitor accommodation, and residential properties together. The section deals with equity between Tourist Homes and Visitor Accommodation units so the word "Residential" is not necessary.

With the addition of the "Primary Residential" subclass, there is now a difference between "residential class" and "residential subclass". The "residential class" is referred to as Class 1 property under the *Municipal Government Act* (MGA), and it still means all property not included in non-residential classes. Reference to the "residential subclass", on the other hand, means all properties not included in any other subclass of Class 1 property. Therefore, it does not include "Tourist Home", "Residential Vacant Serviced Land", nor "Primary Residential".

This differentiation between a residential class and a residential subclass requires a change to the section addressing equity for vacant residential properties. The current policy reads "(t)he same tax rate will be applied to the vacant land residential subclass and the residential class." It is necessary to change the wording to residential subclass from residential class. With this minor change, the Program revenue will be collected from both the "Residential" and "Residential Vacant Serviced Land" subclasses. Collecting Program revenue from the "Residential Vacant Serviced Land" subclass has not been previously discussed.

One of the intentions behind the Program is to increase affordable housing units, either by repurposing existing units (changing them from short-term rental to long-term occupancy) or collecting funds to support initiatives resulting in more units. Collecting more tax revenue from residential units not occupied as a primary residence aligns with the Program's intention, and so too does taxing "Residential Vacant Serviced Land" properties, as this may motivate their development into units for use as primary residences. It is also not possible to declare the property as a primary residence, as it is, by definition, vacant.

In 2012 a Property Tax Task Force was struck, which produced a 2013 report upon which the current Property Tax Policy is based. The report and Policy are written in the context of the total tax share from the residential class compared to other jurisdictions, and not to address equity within Canmore's residential tax base. Therefore, applying different tax rates to different Class 1 properties is in alignment with the report.

Included in their work was an examination of the taxation of "Residential Vacant Serviced Land". To that point these vacant properties had been taxed at a higher rate than other residential properties, to incentivize development. While a key principle of the Property Tax Task Force's report was equity, it also pointed out that consideration needed to be given to the social and economic conditions present, as these change over time. To support owners with the economic struggles the development industry had been experiencing since 2008, the Property Tax Task Force recommended that "Residential Vacant Serviced Land" be taxed at the same rate as other residential property.

Given the current economic and social impacts Canmore is experiencing around affordability, taxing residential class properties that are not being utilized as full-time long-term living units at a higher rate is a pressing policy consideration. Taxing “Residential Vacant Serviced Land” at this higher rate aligns with this policy consideration.

In preparing the proposed Policy, it came to administration’s attention that separate from the “Residential Vacant Serviced Land” subclass, which currently includes 129 properties, there are also “Residential Vacant Unserviced Land” properties, currently 43, that have historically been included in the Residential class. As these properties cannot be developed until serviced, administration is recommending that the Division of Class 1 Property Bylaw be amended to create a separate subclass for them and that the Tax Policy include the statement that the Program revenue will not be collected from this subclass. If a separate subclass were not created, these properties would be taxed at the higher residential tax rate and the Program revenue would be collected from these properties, too.

### **ANALYSIS OF ALTERNATIVES**

The current budget includes capital project #7333 to strike a new Property Tax Task Force, to update the 2013 report. Part of this work could include exploration of the collection of Program revenue from the “Residential Vacant Serviced Land” subclass. If Council wishes to provide direction to the Property Tax Task Force, the motion would be:

That Council direct administration to include exploration of the collection of Livability Program revenue from the “Residential Vacant Serviced Land” subclass as part of the upcoming Property Tax Task Force.

If Council wishes to delay considering collecting Livability Program revenue from the Residential Vacant Serviced Land subclass until after the Property Tax Task Force, if at all, the motion would be:

That Council amend section 7 of the Property Tax Policy by inserting “the residential vacant unserviced land subclass” after “residential vacant serviced land subclass” and by inserting “primary” before “residential subclass”.

This will result in the Program revenue only being collected from the “Residential” subclass.

Consideration was also given to waiting to make policy changes and/or to make additional amendments, as it is anticipated recommended amendments to the Property Tax Policy will come out of the Property Tax Task Force’s work. However, the project has not yet begun and because of changes to the Division of Class 1 Property, immediate amendments to the policy are required. Once the Property Tax Task Force completes its work, any additional amendments can be made at that time.

### **FINANCIAL IMPACTS**

There are no direct financial impacts from adopting the amended policy.

### **INTEREST HOLDER ENGAGEMENT**

While direct engagement on the amended policy has not occurred, there was engagement on the changes to the Division of Class 1 Property Bylaw that have necessitated the amendments. This engagement was with the Finance, Planning and Development, Economic Development, Municipal Enforcement, Information Technology, and Communications departments, the Livability Task Force, and the Town’s assessors.

Currently there are 129 properties that are classified as Residential Vacant Serviced Land. Administration has notified BOWDA of the changes proposed to this policy, including direct contact with a property owner who owns 37 properties.

**ATTACHMENTS**

- 1) Division of Class 1 Property Bylaw Amendment 2024-31 – Subclass Addition
- 2) Division of Class 1 Property Bylaw 2024-19 – REDLINE
- 3) Property Tax Policy FIN-005 Amendment
- 4) Property Tax Policy FIN-005 Amendment – REDLINE

**AUTHORIZATION**

Submitted by:	Katherine Van Keimpema Financial Strategy Manager	Date:	<u>October 7, 2024</u>
Approved by:	Chelsey Gibbons Manager of Finance	Date:	<u>October 7, 2024</u>
Approved by:	Therese Rogers General Manager, Corporate Services	Date:	<u>October 25, 2024</u>
Approved by:	Sally Caudill Chief Administrative Officer	Date:	<u>October 30, 2024</u>



## BYLAW 2024-31

### A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, TO AMEND DIVISION OF CLASS 1 PROPERTY BYLAW 2024-19

---

The Council of the Town of Canmore, in the Province of Alberta, duly assembled, enacts as follows:

#### TITLE

- 1 This bylaw shall be known as “Division of Class 1 Property Bylaw Amendment 2024-31 – Subclass Addition.”

#### PROVISIONS

- 2 Bylaw 2024-19 is amended by this bylaw.
- 3 Subsection 2k) is amended by inserting “Residential Vacant Unserviced Land” between “Residential Vacant Serviced Land” and “Farmland”.
- 4 The following is added after subsection 2l):
  - l.1) “Residential Vacant Unserviced Land” means a parcel of land
    - i) that is subdivided by a plan of subdivision registered in a land titles office,
    - ii) that contains no permanent structures, and
    - iii) that is approved for Residential purposes and does not have access to municipal services;
- 5 Subsection 3c) is amended by striking out “and”.
- 6 The following is added after subsection 3d):
  - d.1) Residential Vacant Unserviced Land;

#### ENACTMENT/TRANSITION

- 7 If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.
- 8 This bylaw comes into force on the date it is passed.

FIRST READING:

SECOND READING:

THIRD READING:

Approved on behalf of the Town of Canmore:

\_\_\_\_\_  
Sean Krausert  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Cheryl Hyde  
Municipal Clerk

\_\_\_\_\_  
Date

Bylaw approved by: \_\_\_\_\_





## BYLAW 2024-19

### A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE DIVISION OF CLASS 1 PROPERTY INTO SUBCLASSES FOR PROPERTY ASSESSMENT PURPOSES

---

WHEREAS pursuant to section 7 of the Alberta Municipal Government Act, Council may pass bylaws for municipal purposes respecting the creation of offences and imposing a fine not exceeding \$10,000 in respect of those offences;

WHEREAS pursuant to section 8 of the Alberta Municipal Government Act, Council may pass bylaws for municipal purposes respecting any development, activity, industry, business, or thing in different ways, divide each of them into classes and deal with each class in different ways;

WHEREAS pursuant to section 297 of the Alberta Municipal Government Act, Council is authorized to divide class 1 residential properties into subclasses on any basis it considers appropriate, and

WHEREAS the Town of Canmore desires to create a residential subclass that differentiates primary residences from other residential properties,

The Council of the Town of Canmore, in the Province of Alberta, duly assembled, enacts as follows:

#### TITLE

- 1 This bylaw shall be known as “Division of Class 1 Property Bylaw 2024-19.”

#### INTERPRETATION

- 2 In this bylaw:
  - a) “Agent” means a person or company authorized to act on behalf of a Residential property owner in the Town of Canmore;
  - b) “Apartment Building” means a single building comprised of three or more Dwelling Units under one legal parcel and tax roll;
  - c) “Current Taxation Year” means the calendar year in which the current annual taxes are assessed against property;
  - d) “Dwelling Unit” means a self-contained room or suite of rooms not available for public use, which normally provide sleeping, washing, sanitary and kitchen facilities, and which is intended for Residential use, as opposed to vacation use; it is characterized as a place in which a person or persons may reside as their primary or secondary residence;
  - e) “Employee Housing” is a Dwelling Unit which meets the definition of Employee Housing under the Land Use Bylaw as amended;
  - f) “Farmland” has the same meaning as defined under section 297 of the Alberta Municipal Government Act;

Bylaw approved by: \_\_\_\_\_

Page 1 of 5

- g) “Machinery and Equipment” has the same meaning as defined under section 297 of the Alberta Municipal Government Act;
- h) “Non-Residential” has the same meaning as defined under section 297 of the Alberta Municipal Government Act;
- i) “Previous Taxation Year” means the calendar year immediately prior to the Current Taxation Year in which the annual taxes were assessed against property;
- j) “Primary Residence” means the usual place where a person is ordinarily resident, conducts their daily affairs for a period of at least 183 cumulative days in a calendar year, of which at least 60 of those days were continuous, and does not otherwise meet the definition of a Tourist Home. A person may only have one Primary Residence, but a Residential property may be the Primary Residence of more than one person. Some indicia of a Primary Residence include:
  - i) the physical address shown on the person’s driver’s licence or motor vehicle operator’s licence issued by or on behalf of the Government of Alberta or an identification card issued by or on behalf of the Government of Alberta,
  - ii) the physical address to which the person’s income tax correspondence is addressed and delivered,
  - iii) the physical address to which most of the person’s mail is addressed and delivered;
- k) “Residential” means a property or the portion of a property that is not classified by the municipal assessor as Primary Residential, Tourist Home, Residential Vacant Serviced Land, Residential Vacant Unserviced Land, Farmland, Machinery and Equipment, or Non-Residential;
- l) “Residential Vacant Serviced Land” means a parcel of land
  - i) that is subdivided by a plan of subdivision registered in a land titles office,
  - ii) that contains no permanent structures, and
  - iii) that is approved for Residential purposes and has access to municipal services;

1.1) “Residential Vacant Unserviced Land” means a parcel of land

- i) that is subdivided by a plan of subdivision registered in a land titles office,
- ii) that contains no permanent structures, and
- iii) that is approved for Residential purposes and does not have access to municipal services;

- m) "Tourist Home" means a Dwelling Unit which meets the definition of a Tourist Home under the Land Use Bylaw as amended.

**SUBDIVISION OF CLASS 1 PROPERTY**

3 Class1 property is divided into the following subclasses for property assessment purposes:

- a) Residential,
- b) Tourist Home,
- c) Primary Residential, ~~and~~
- d) Residential Vacant Serviced Land,
- d.1) Residential Vacant Unserviced Land.

**PRIMARY RESIDENTIAL**

4 A Residential property shall be placed in the Primary Residential subclass for the Current Taxation Year if:

- a) the property contains one or more Dwelling Units and at least one owner registered on title, or their Agent attests by December 31 of the Previous Taxation Year, in a form approved by the chief administrative officer, declaring that during the Previous Taxation Year, at least one Dwelling Unit on the property was occupied as the Primary Residence of a registered owner of that property or another occupant who was leasing that Dwelling Unit,
- b) the property was an Apartment Building in the Previous Taxation Year,
- c) the property was an Employee Housing unit in the Previous Taxation Year,
- d) the property was a separately titled Residential parking stall in the Previous Taxation Year, or
- e) the property was a separately titled Residential storage unit in the Previous Taxation Year.

5 A Residential property that contains one or more Dwelling Units, that is not an Apartment Building nor Employee Housing, but does not have a Dwelling Unit that was occupied as a Primary Residence in the Previous Taxation Year, may be placed in the Primary Residential subclass for the Current Taxation Year if at least one owner registered on title or their Agent attests by December 31 of the Previous Taxation Year, in a form approved by the chief administrative officer, declaring that during the Previous Taxation Year and the chief administrative officer is satisfied that this is the result of one or more of the following:

- a) the owner was residing in a hospital, long term or supportive care facility in the Previous Taxation Year, and that resident had occupied a Dwelling Unit on the property as a Primary Residence immediately before moving to the hospital, long term, or supportive care facility;
  - b) the owner died at some point in the previous two taxation years and that owner had occupied a Dwelling Unit on the property as a Primary Residence immediately prior to their death;
  - c) the property was newly constructed in the Previous Taxation Year, occupation and normal use of the property as a Primary Residence was not possible, and the property will be used as a Primary Residence once construction is complete;
  - d) a Dwelling Unit on the property experienced a catastrophic event in the Previous Taxation Year, occupation and normal use of that Dwelling Unit as a Primary Residence was prevented, and that Dwelling Unit was occupied as a Primary Residence immediately before the catastrophic event prevented further occupation;
  - e) a Dwelling Unit on the property was undergoing repairs or renovations in the Previous Taxation Year and
    - i) occupation and normal use of the Dwelling Unit as a Primary Residence was prevented by the repairs,
    - ii) all requisite permits are issued,
    - iii) the municipality is of the opinion the repairs are being carried out without delay, and
    - iv) the Dwelling Unit was occupied as a Primary Residence immediately before the repairs or renovations began;
  - f) a written order was in force in the Previous Taxation Year which prohibited occupancy of a Dwelling Unit on the property as a Primary Residence, and that Dwelling Unit was occupied as a Primary Residence immediately before the written order was issued;
  - g) one hundred per cent legal ownership of the property was transferred to an arm's length transferee in the Previous Taxation Year, the transfer is registered or is in the process of being registered with the Land Title Office, and the purchaser or a tenant immediately occupied the Dwelling Unit with the intention that it be their Primary Residence.
- 6 A person shall not make any false or misleading statement or provide any false or misleading information on a declaration submitted in accordance with this bylaw.
- 7 If a person, either themselves or through their Agent, makes a false or misleading statement to the Town to qualify a property for inclusion in the Primary Residential subclass, that person shall be guilty of an offence and is liable for a fine up to a maximum of \$10,000.00.

- 8 The chief administrative officer may conduct an inspection to ensure compliance with any declaration submitted to qualify for taxation under the Primary Residential subclass at any time and for a period of up to three years after property declaration was made or was required to be made, whichever is later.
- 9 If the chief administrative officer subsequently determines that a property fails to meet the criteria to be included in the Primary Residential subclass for a taxation year, the assessed person of that property shall be retroactively liable to pay taxes for that property at the mill rate approved for the Residential subclass for that taxation year, plus any applicable penalties under the Town's Tax Rate Penalty Bylaw.

**ENACTMENT/TRANSITION**

- 10 If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.
- 11 Bylaw 01-2013 is repealed.
- 12 This bylaw comes into force on the date it is passed.

FIRST READING: August 20, 2024

SECOND READING: August 20, 2024

THIRD READING: August 20, 2024

Approved on behalf of the Town of Canmore:

\_\_\_\_\_  
Sean Krausert  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Cheryl Hyde  
Manager, Municipal Clerk's Office

\_\_\_\_\_  
Date

Bylaw approved by: \_\_\_\_\_



## Council Policy

<b>Policy Title:</b>	<b>Property Tax</b>
<b>Policy Number:</b>	FIN-005
<b>Date in Effect:</b>	December 15, 2015
<b>Current as of:</b>	Approval Pending

### POLICY STATEMENT

- 1 It is the policy of the Town of Canmore to set and manage property taxes in compliance with local and provincial legislation, while thriving and remaining financially viable over the long term.

### PURPOSE

- 2 To clearly state Council's guiding principles regarding their approach to decision making as it relates to setting property tax rates that are responsive to economic conditions, comparable to other communities, equitable within the tax base and accountable to the ratepayers.

### GUIDING PRINCIPLES

#### **Accountability and clarity in collection of property taxes**

- 3 In setting annual property tax rates and collection amounts, focus will be placed only on the municipal component of the property tax. No consideration will be given to the provincial education tax component and impact. Work will continue to clarify and communicate to ratepayers the distinctions between the provincial education and municipal taxes, and direct inquiries to appropriate sources.
- 3.1 The Town's Division of Class 1 Property By-law 2024-19 divides residential property into five subclasses: "Residential", "Tourist Home", "Primary Residential", "Residential Vacant Serviced Land" and "Residential Vacant Unserviced Land". The Town has initiated a Livability Tax Program to incentivize long-term full-time occupancy of residential units with the creation of the "Primary Residential" subclass. Properties occupied or rented out to someone who occupied a dwelling unit on the property as their primary residence and who declare this use annually will be placed in the "Primary Residential" subclass. The Livability Tax Program tax revenue will be collected from the "Residential" and "Residential Vacant Serviced Land" subclasses. The revenue under the Livability Tax Program will not be collected from the "Primary Residential", "Tourist Home", or "Residential Vacant Unserviced Land" subclasses.

#### **Accountability in engaging stakeholders in tax policy decisions**

- 4 A tax policy education session will be incorporated into the council orientation package. Municipal property tax policies will be reviewed once every term of council and the review will include citizen engagement activities, the results of which will help to inform any tax policy revisions.

Policy approved by: \_\_\_\_\_

**Stability in managing tax changes**

- 5 When establishing an annual tax rate, consideration will be given to the previous years' tax burden to ensure a consistent and equitable distribution between assessment classes.

**Equity and competitiveness in the distribution of the residential and non- residential tax share**

- 6 Indicators of tax rate ratios and residential taxes per capita in neighboring and comparator municipalities will be monitored on an ongoing basis, with an intention to target a residential/non-residential tax share split in line with the average of these findings. Competitor municipalities are those in the same (or a similar) market as Canmore from an economic perspective.

6.1 Tax revenue under the Livability Tax Program will not be collected from non-residential properties.

**Equity for vacant residential properties**

- 7 The same tax rate will be applied to the vacant land residential subclass and the residential subclass.

7.1 Tax revenue under the Livability Tax Program will not be collected from Residential Vacant Unserviced Land subclass properties.

**Equity for tourist homes and visitor accommodation units**

- 8 Class 1 property is divided into subclasses for property assessment purposes while visitor accommodation units are classified as non-residential properties. One class 1 subclass is "Tourist Home".

9 A tourist home property will be taxed at a rate equivalent to that of non-residential properties for municipal and vital homes taxes in recognition of the fact that it can be used as a non-residential visitor accommodation unit and can be rented out for short-term and long-term accommodation purposes.

*263-2022*

- 10 Tax revenue under the Livability Tax Program will not be collected from "Tourist Home" properties.

**Equity from a user pay perspective**

- 11 Where possible, cost recovery from user fees and charges will be pursued to replace property tax revenue.

**Social and economic considerations**

- 12 A broad range of indicators will be considered in making tax decisions to ensure responsiveness to local social and economic conditions.

**RESPONSIBILITIES**

- 13 Administration will provide Council with comparator data at the time property tax rates are being set each fiscal year. These guiding principles will be considered when setting the annual property tax rates.

Policy approved by: \_\_\_\_\_

**POLICY REVIEW**

14 This policy will be reviewed by Council on or before November 30, 2030.

263-2022

**RELATED DOCUMENTS**

Part 10, Division 1 of the Municipal Government Act (MGA) sets out the regulatory requirements regarding taxation.

The Town of Canmore’s Bylaw 2024-19 a bylaw to provide for the division of class 1 property into subclasses for property assessment purposes.

A Property Tax Policy Framework for the Town of Canmore: Analysis and Recommendations – Report prepared for the Town by Ben Brunnen Policy and Research

**AUTHORIZATION:**

Sean Krausert Mayor	Cheryl Hyde Manager, Municipal Clerk’s Office
------------------------	--

**REVISION HISTORY**

Action	Date	Council Motion	Notes
Approved	2015-12-15	364-2015	
Amended	2022-11-01	263-2022	Tourist homes taxed at non-residential rate; numbering format updated.
Amended	2024-11-05		Remove Tourist Home – Personal Use & add the Livability Tax Program.

Policy approved by: \_\_\_\_\_





Town of  
**CANMORE** **Council Policy**

**Policy Title:** Property Tax

**Policy Number:** FIN-005

**Date in Effect:** December 15, 2015

**Current as of:** ~~November 1, 2022 approval pending~~

### POLICY STATEMENT

- 1 It is the policy of the Town of Canmore to set and manage property taxes in compliance with local and provincial legislation, while thriving and remaining financially viable over the long term.

### PURPOSE

- 2 To clearly state Council's guiding principles regarding their approach to decision making as it relates to setting property tax rates that are responsive to economic conditions, comparable to other communities, equitable within the tax base and accountable to the ratepayers.

### GUIDING PRINCIPLES

#### Accountability and clarity in collection of property taxes

- 3 In setting annual property tax rates and collection amounts, focus will be placed only on the municipal component of the property tax. No consideration will be given to the provincial education tax component and impact. Work will continue to clarify and communicate to ratepayers the distinctions between the provincial education and municipal taxes, and direct inquiries to appropriate sources.

3.1 The Town's Division of Class 1 Property By-law 2024-19 divides residential property into five subclasses: "Residential", "Tourist Home", "Primary Residential", "Residential Vacant Serviced Land", and "Residential Vacant Unserviced Land". The Town has initiated a Livability Tax Program to incentivize long-term full-time occupancy of residential units with the creation of the "Primary Residential" subclass. Properties occupied or rented out to someone who occupied a dwelling unit on the property as their primary residence and who declare this use annually will be placed in the "Primary Residential" subclass. The Livability Tax Program tax revenue will be collected from the "Residential" and "Residential Vacant Serviced Land" subclasses. The revenue under the Livability Tax Program will not be collected from the "Primary Residential", "Tourist Home", or "Residential Vacant Unserviced Land" subclasses.

#### Accountability in engaging stakeholders in tax policy decisions

- 34 A tax policy education session will be incorporated into the council orientation package. Municipal property tax policies will be reviewed once every term of council and the review will include citizen engagement activities, the results of which will help to inform any tax policy revisions.

Policy approved by: \_\_\_\_\_

**Stability in managing tax changes**

45 When establishing an annual tax rate, consideration will be given to the previous years’ tax burden to ensure a consistent and equitable distribution between assessment classes.

**Equity and competitiveness in the distribution of the residential and non- residential tax share**

6 Indicators of tax rate ratios and residential taxes per capita in neighboring and comparator municipalities will be monitored on an ongoing basis, with an intention to target a residential/non-residential tax share split in line with the average of these findings. Competitor municipalities are those in the same (or a similar) market as Canmore from an economic perspective.

6.1 Tax revenue under the Livability Tax Program will not be collected from non-residential properties.

**Equity for vacant residential properties**

7 The same tax rate will be applied to the Residential Vacant Serviced Land~~vacant land residential~~ subclass and the residential subclass.

7.1 Tax revenue under the Livability Tax Program will not be collected from Residential Vacant Unserviced Land subclass properties.

**Equity for tourist homes and visitor accommodation units, ~~and residential properties~~**

58 Class 1 property is divided into subclasses for property assessment purposes while visitor accommodation units are classified as non-residential properties. ~~One Two~~ class 1 subclass es are is “Tourist Home” ~~and “Tourist Home – Personal Use”~~.

69 A tourist home property will be taxed at a rate equivalent to that of non-residential properties for municipal and vital homes taxes in recognition of the fact that it can be used as a non-residential visitor accommodation unit and can be rented out for short-term and long-term accommodation purposes.

263-2022

10 ~~A tourist home property shall be placed in the tourist home – personal use subclass for any given taxation year if all owners registered on title, on or before January 31 of each fiscal year, sign a statutory declaration, in a form approved by the chief administrative officer, declaring that the property will be used only for personal purposes and will not be advertised or operated for short term or long term rental during the current taxation year. The tax rate for the tourist home – personal use subclass shall be the same as the municipal tax rate for the residential subclass.~~ Tax revenue under the Livability Tax Program will not be collected from “Tourist Home” properties.

**Equity from a user pay perspective**

711 Where possible, cost recovery from user fees and charges will be pursued to replace property tax revenue.

**Social and economic considerations**

812 A broad range of indicators will be considered in making tax decisions to ensure responsiveness to local social and economic conditions.

Policy approved by: \_\_\_\_\_

**RESPONSIBILITIES**

913 Administration will provide Council with comparator data at the time property tax rates are being set each fiscal year. These guiding principles will be considered when setting the annual property tax rates.

**POLICY REVIEW**

4014This policy will be reviewed by Council on or before November 30, ~~2026~~2030.

263-2022

**RELATED DOCUMENTS**

Part 10, Division 1 of the Municipal Government Act (MGA) sets out the regulatory requirements regarding taxation.

The Town of Canmore’s Bylaw ~~2013-04~~2024-19 a bylaw to provide for the division of class 1 property into subclasses for property assessment purposes.

A Property Tax Policy Framework for the Town of Canmore: Analysis and Recommendations – Report prepared for the Town by Ben Brunnen Policy and Research

**AUTHORIZATION:**

\_\_\_\_\_  
Sean Krausert  
Mayor

\_\_\_\_\_  
Cheryl Hyde  
Manager, Municipal Clerk’s Office

**REVISION HISTORY**

Action	Date	Council Motion	Notes
Approved	2015-12-15	364-2015	
Amended	2022-11-01	263-2022	Tourist homes taxed at non-residential rate; numbering format updated.
<u>Amended</u>	<u>2024-11-05</u>		<u>Remove Tourist Home – Personal Use &amp; add the Livability Tax Program.</u>

Policy approved by: \_\_\_\_\_



# Request for Decision

**DATE OF MEETING:** November 5, 2024 **Agenda #:** H 3

**TO:** Council

**SUBJECT:** Reserves Policy FIN-007 Amendment

**SUBMITTED BY:** Chelsey Gibbons, Manager of Finance  
Katherine Van Keimpema, Financial Strategy Manager

**RECOMMENDATION:** That Council approve Reserves Policy FIN-007 as amended.

## EXECUTIVE SUMMARY

Included in the plans for implementing a Livability Tax Program presented to Council at the June 18 Committee of the Whole meeting were actions requiring updating of the Reserves Policy. Additionally, in previous budget cycles, direction had been provided regarding the use of Franchise Fee revenues and Paid Parking revenues. This had been captured in Finance Committee discussions and Request for Decision reports, however for transparency and ease of access, the intent is for this direction to be summarized and to be added as additional schedules to the policy. The recommended policy amendments include minor housekeeping changes, adding the Livability Tax Program key performance indicators (KPIs) and a new Livability reserve, as well as two new schedules.

## RELEVANT COUNCIL DIRECTION, POLICY, OR BYLAWS

At its June 6, 2023 meeting, Council passed resolution #121-23:

*Moved by Mayor Krausert that Council direct administration to return to Council with a report on property tax policy options to incentivize purpose-built rentals and full-time/ long-term occupancy of residential units.*

At its January 9, 2024 meeting, Council passed resolution #16-24:

*Moved by Mayor Krausert that Council accept the Livability Task Force's recommendations for information as presented and direct administration to develop an implementation plan.*

At the June 18, 2024 Committee of the Whole meeting administration provided a proposed implementation plan for a Livability Tax Program.

At its August 20, 2024 meeting, Council passed resolution #172-2024:

*Moved by Mayor Krausert that Council give third reading to Division of Class 1 Property Bylaw 2024-19.*

At the September 17, 2024 Committee of the Whole meeting administration provided a proposed set of key performance indicators (KPIs) and a list of possible uses of funds criteria for the Livability Tax Program.

At the November 17, 2020 Council meeting, Council directed administration provide Council with recommendations for a framework for franchise fee allocation during the upcoming budget process, including recommendations to support climate action initiatives.

At the December 5, 2023 Council meeting, Council approved the Paid Parking Revenue Allocation Model (PPRAM) as presented.

### DISCUSSION

The Livability Tax Program was implemented to incentivize long-term, full-time occupancy of residential dwelling units by their owners or by long term tenants and to generate a sustainable funding source for non-market housing and housing related initiatives. The program was established with the adoption of the Division of Class 1 Property Bylaw on August 20, 2024.

The implementation plan for the program included the development of key performance indicators (KPIs), to track and report on the program's effectiveness and to inform process improvements, and the development of criteria for funding initiatives, to ensure accountability, consistency, and use as intended. Both require formal Council direction, which is accomplished by amending the Reserves Policy FIN-007. To understand the proposed amendments, a redlined version of the current policy and an unmarked draft of the proposed amended policy are attached.

Determining performance metrics and setting targets for the program are keys to understanding the extent to which the program is achieving its desired goals. Administration has developed program and enforcement KPIs, which were brought forward to the September 17, 2024 Committee of the Whole meeting. These have been added to section 22 of the proposed Reserves Policy as follows:

- count and percent of properties occupied and not occupied by primary residents, by type and location,
- count and percent of owner versus tenant occupied properties, by type and location,
- count and percent of primary residence properties with multiple dwelling units,
- incremental revenues associate with the Livability Tax Program,
- number of Tourist Homes converted to Residential,
- count and percent of exempt properties by reason,
- average assessed value of non-primary residences versus all residential properties,
- number and percent of declaration audits per year,
- number and percent of false declarations of all those audited,
- amounts of taxes recovered,
- dollar value of fines issued,
- number of complaints received from the public about houses not occupied as primary residences, and
- number and percent of complaints found to be valid.

At that same meeting, a report with proposed funding criteria for the use of revenue collected under the program was also presented for consideration. To Schedule A of the proposed Reserves Policy under the Program Specific area, a new Livability reserve has been added and the reserve's purpose statement includes the following proposed criteria for the use of the reserve funds (the same as those included in the September 17 report):

- increasing purpose built rental development,
- increasing non-market housing, including the purchase of related land or property,

- supporting infrastructure for non-market housing,
- funding community affordability programs,
- incentivizing accessory buildings or dwelling units,
- providing grants to non-profit housing providers who operate or deliver affordable housing to low-income households,
- funding the cost of administering the program and implementing the initiatives, and/or
- preserving existing affordable rental housing.

Supporting infrastructure for non-market housing can include things such as a pedestrian underpass to connect housing built on the north side of the highway to the rest of Town or the Town's share of water, wastewater, and other infrastructure to service new developments. Preserving existing affordable rental housing could include initiatives to buy affordable properties that are at risk of being sold and converted to market housing or providing support to organizations providing affordable rental housing.

Administration believes these proposed criteria will advance Council's strategic goals of livability and housing affordability; the purpose for which the program revenue is being collected. It is important to note that while an initiative may meet one or more of the criteria, it does not guarantee funding from the program; Council retains its discretion to fund a specific initiative or not.

In previous budget cycles, direction had also been provided regarding the usage of Franchise Fee revenues and Paid Parking revenues. This direction had largely come in the form of Finance Committee discussions or Request for Decision reports. To provide more transparency and easy access to this guidance, these two methodologies are now intended to be captured and summarized as additional attachments to Reserve policy.

The content of the attachments is from previous budget cycles, no changes are proposed to that content except for one minor intended change to the Paid Parking Revenue Allocation Model (PPRAM). In the unlikely event that the paid parking revenues are not sufficient to cover all the operating expenses, a draw from the Integrated Transportation Management Reserve would occur. Should the balance in the ITM not be sufficient to cover paid parking operating expenses and the planned transit amount, a draw from the Tax Stabilization Reserve would take place. The previous direction had only been to take this from the Tax Stabilization Reserve.

Other proposed housekeeping amendments include:

- remove "Vision Alignment" section as this is not consistent with the current policy format
- Remove "formerly Perpetually Affordable Housing" to the Vital Homes Reserve in Schedule A
- remove reference to an outdated Government Finance Officers Association (GFOA) best practices document and replace it with referral to best practices in general
- include the Investment Policy as a Related Document
- Update the next review date

#### **ANALYSIS OF ALTERNATIVES**

At the September 17 meeting, members of the Committee of the Whole suggested adding KPIs for the average monthly rental and vacancy rates, and the number of repeat false declarers. These have not been included in the recommendations but can be if Council so directs.

At the same meeting, members of the Committee also asked that examples be provided for supporting infrastructure and for preserving existing affordable housing. Examples have been included in the report but not in the policy itself for the following reasons:

- other reserves in the policy do not include examples
- examples can be restrictive and limiting, giving the impression that only the specific examples can be funded
- they require updating as projects are completed or new ones arise
- they can be perceived as prescriptive; future Councils may not want to use this reserve to fund a specific example listed

The additional attachments related to the Franchise Fee allocations and Paid Parking Revenue Allocation Model (PPRAM) do not need to be formally attached to the Reserves Policy, however the intent is that this makes that information more readily accessible.

**FINANCIAL IMPACTS**

There are no direct financial impacts from adopting the amended policy.

**INTEREST HOLDER ENGAGEMENT**

While direct engagement on the amended policy has not occurred, there was engagement on the changes to the Division of Class 1 Property Bylaw that have necessitated the amendments. This engagement was with the Finance, Planning and Development, Economic Development, Municipal Enforcement, Information Technology, and Communications departments, the Livability Task Force, and the Town’s assessors.

**ATTACHMENTS**

- 1) Reserves Policy FIN-007 Amendment
- 2) Reserves Policy FIN-007 Amendment – REDLINE

**AUTHORIZATION**

Submitted by:	Katherine Van Keimpema Financial Strategy Manager	Date: <u>October 10, 2024</u>
Approved by:	Chelsey Gibbons Manager of Finance	Date: <u>October 17, 2024</u>
Approved by:	Therese Rogers General Manager, Corporate Services	Date: <u>October 30, 2024</u>
Approved by:	Sally Caudill Chief Administrative Officer	Date: <u>October 30, 2024</u>



# Council Policy

<b>Policy Title:</b>	<b>Reserves</b>
<b>Policy Number:</b>	FIN-007
<b>Date in Effect:</b>	August 22, 2017
<b>Current as of:</b>	Amendment in Progress

## POLICY STATEMENT

- 1 Canmore is sustainable only if both its capital infrastructure assets and its financial assets can be maintained over the long term. It is the policy of the Town of Canmore to establish reserve funds to ensure the long-term financial stability and flexibility of the Town of Canmore, to position it to respond to varying economic conditions and changes affecting the Town's financial position, and to ensure the organization has the ability to continuously carry out its responsibilities.

## PURPOSE

- 2 The purpose of this policy is to establish guidelines, limits, and conditions applicable to the segregation of the Town of Canmore's accumulated surplus, referred to as restricted surpluses in its audited financial statements, into reserves funds. The reserves practices will ensure a favourable and sustainable financial position while supporting the ability to meet current and future operating and infrastructure requirements by maintaining reserves funds sufficient to achieve the following:
  - a) The organization has sufficient working capital so that it is able to sustain operations through delays in receipt of payments of committed funding and to accept reimbursable contracts and grants without jeopardizing ongoing operations;
  - b) The organization has sufficient resources to fund the acquisition or construction of new capital assets and the replacement and rehabilitation of major capital infrastructure assets, as required and as identified in the Town of Canmore Strategic, Capital, and Long-Term Financial Strategy Plans;
  - c) Public confidence in the long-term sustainability of the organization is promoted by preventing cash flow crises that can diminish its reputation and force its leaders to make expensive short-term, crisis-based decisions;
  - d) The organization has sufficient resources to fund budgeted contingency amounts for unpredictable revenues, volatile expenditures, and unanticipated opportunities and/or challenges;
  - e) To contribute favourably to the liquidity position of the organization;

Policy approved by: \_\_\_\_\_



- f) A favourable credit status and financial flexibility is maintained;
- g) The organization complies with the industry best practices; and
- h) The organization meets the objectives of the Town’s Debt Management Policy, the Property Tax Policy, Long Term Financial Strategy, and the Town of Canmore Strategic Plan.

**DEFINITIONS**

- 3 “Capital Reserves” means the portion of unrestricted net assets that the Town maintains, or that Council has designated (or “restricted”) for use in maintaining an adequate reserve to acquire or construct new capital assets and replace and rehabilitate major capital infrastructure assets as required, and as identified in the Town of Canmore Strategic, Capital, and Long-Term Financial Strategy Plans.
- 4 “Dedicated Reserves” means the portion of unrestricted net assets that the Town has collected from developers to fund specific initiatives and/or projects. The funds may not be used for any other purpose than what they were collected for.
- 5 “Depreciation” means the amortization amount of fixed assets, such as buildings and equipment, in order to allocate the cost over its useful life. It is a process of cost allocation and not valuation. Depreciation increases expenses but does not reduce cash.
- 6 “Operating Expenses” means the annual expenditures to fund regular operations and for greater certainty, do not include transfers from operating to fund capital expenditures, transfers to reserves, internal transfers between departments, and funds expended on non-tangible capital asset.
- 7 “Operating Reserves” means the portion of unrestricted net assets that the Town maintains, or that Council has designated (or “restricted”) for use in:
  - a) emergencies to sustain financial operations for a reasonable period in the event of significant and unanticipated, unbudgeted increases in Operating Expenses and/or losses in operating revenues, and/or
  - b) funding budgeted contingencies for non-emergent but unpredictable revenues, volatile expenditures, and unanticipated opportunities and/or challenges, and/or
  - c) funding for the mitigation of tax rate increases.
- 8 “Program Specific Reserves” means the portion of unrestricted net assets that the Town maintains, or that Council has designated (or “restricted”) for use in specific initiatives or programs for which the funds are collected.

Policy approved by: \_\_\_\_\_

**GENERAL GUIDELINES**

- 9 All reserve transfers, re-designations, revisions, and new account requests must be approved by Council. Approvals may be in the form of:
  - a) The annual operating or capital budget approval;
  - b) A carryover project that was contained in an approved operating or capital budget; or
  - c) A Council resolution.
- 10 Draws from reserves must not exceed the fund balance unless it can be demonstrated to Council that future sources of revenue will provide adequate funding to return the fund to a positive balance.
- 11 All operating and capital reserve funds must be fully described and include a purpose, source of funding, minimum level, optimum or target level, and the rationale used to establish the levels.
- 12 Before creating a new reserve fund, the option of adding an incremental contribution to an existing fund of a like nature will be considered.
- 13 The prescribed fund limits will be reviewed by Council at least once each term of office.
- 14 Interest will be paid to all reserve funds based on the average balance, calculated as the opening plus closing balances divided by two, at the annual average rate of return on long and short-term investments.
- 15 The Town will maintain reserve funds in accordance with Schedules A, B, and C.
- 16 Program Specific Reserve funds are intended to accumulate the money collected for specific initiatives or programs stipulated at the time of collection.

**MANAGEMENT OF THE RESERVE FUNDS**

- 17 Under the direction of Council, the chief administrative officer or their designate will ensure funds are invested according to the guidelines set out in the Town’s Investment Policy and in accordance with provincial legislation.
- 18 Reserve funds will be drawn down only under circumstances specific to the individual reserve fund.
- 19 For reporting purposes, the reserve funds will be listed separately in the “notes” section of the Town’s financial statements.

**RESPONSIBILITIES**

- 20 Only Council can approve the drawing down of a fund for operating or capital purposes.
- 21 The Finance Committee will review the reserves policies at least every term of Council, or sooner if conditions warrant, and provide recommendations for Council approval.

Policy approved by: \_\_\_\_\_

- 22 Administration will annually provide Council with:
- a) Actual year end reserve fund balances;
  - b) Five-year, projected, uncommitted reserve fund balances;
  - c) Five-year, anticipated reserve contributions and draws;
  - d) Reserve fund statistics as follows:
    - i) capital reserve fund contributions as a ratio to capital asset value,
    - ii) capital reserve fund contributions as a percentage of annual Depreciation,
    - iii) the ratio of reserve funds to outstanding debt,
    - iv) the unamortized balance of capital assets relative to historical cost (the asset consumption ratio), and
    - v) total annual budgeted operating expenditures.
  - e) Livability Tax Program key performance indicators (KPIs) as follows:
    - i) count and percent of properties occupied and not occupied by primary residents, by type and location,
    - ii) count and percent of owner versus tenant occupied properties, by type and location,
    - iii) count and percent of primary residence properties with multiple dwelling units,
    - iv) incremental revenues associate with the Livability Tax Program,
    - v) number of Tourist Homes converted to Residential,
    - vi) count and percent of exempt properties by reason,
    - vii) average assessed value of non-primary residences versus all residential properties,
    - viii) number and percent of declaration audits per year,
    - ix) number and percent of false declarations of all those audited,
    - x) amounts of taxes recovered,
    - xi) dollar value of fines issued,
    - xii) number of complaints received from the public about houses not occupied as primary residences, and
    - xiii) number and percent of complaints found to be valid.

23 Repealed

**POLICY REVIEW**

24 This policy will be reviewed by Council on or before July 30, 2029.

**RELATED DOCUMENTS**

- Municipal Government Act
- Debt Management Policy
- Property Tax Policy
- Investment Policy
- Town of Canmore Strategic Plan
- Town of Canmore Long Term Financial Strategy

Policy approved by: \_\_\_\_\_

**ATTACHMENTS**

- 1) Reserves Policy – Schedule A
- 2) Paid Parking Revenue Allocation Model --Schedule B
- 3) Franchise Fee Allocation Model – Schedule C

**REPEALS POLICY:** Reserves Policy 223-2016

**AUTHORIZATION**

\_\_\_\_\_  
Sean Krausert  
Mayor

\_\_\_\_\_  
Cheryl Hyde  
Manager, Municipal Clerk’s Office

**REVISION HISTORY**

Action	Date	Council Motion	Notes
Approved	2017-08-22	62-2017FIN	Approved by the Finance Committee
Amended	2021-02-23	44-2021	Schedule A: add sustainability reserve and paid parking reserve, amend PAH to Vital Homes
Amended	2021-08-17	197-2021	Schedule A: amend art trust; update formatting and numbering in policy
Amended	2022-04-05	87-2022	Schedule A: add development application reserve
Amended	2023-12-05	313-2023	Schedule A: amend paid parking reserve to Integrated Transportation Management Reserve (name and description/usage change)
Amended	2024-11-05		Add Livability Tax Program KPI reporting and a new Livability Reserve Added Schedules B and C

Policy approved by: \_\_\_\_\_

Fund	Purpose	Funding Source(s) *	Minimum \$ Level	Target/Optimum \$ Level	Rationale Used to Establish Levels
<b>OPERATING</b>					
<b>General Municipal Operating</b>	For working capital purposes, to provide funding for unanticipated operating expenditures in the course of providing municipal services, and for unforeseen general operating emergency expenditures.	One time transfers and one-time unbudgeted sources of revenue.	5% of annual operating expenditures	10% of annual operating expenditures	GFOA best practices as applied upon assessment of the Town's circumstances and considering any short term operating credit facilities available.
<b>Corporate Operating Contingency</b>	Subject to multi-year budgeting being approved by Council or required by provincial legislation, to fund unexpected or emergent operating demands that arise as a natural consequence of multi-year budgeting.	Original fund established by a transfer from the general operating reserve and then from municipal property taxes as required.	1% of annual budgeted municipal property taxes	1.5% of annual budgeted municipal property taxes	Comparison to amounts set by other municipalities and historical experience with amounts actually utilized each year.
<b>Tax Stabilization</b>	To mitigate tax rate increases in cases of an emergent and/or non-recurring nature.	One time transfers and one-time unbudgeted sources of revenue.	3% of annual operating expenditures	7% of annual operating expenditures	GFOA best practices so that the total of this and the general operating fund equal a minimum of 1 month (8%) and an optimum of 2 months (17%) of annual operating expenditures.
<b>CAPITAL</b>					
<b>General Municipal Capital</b>	To fund new capital projects or for capital expenditures necessary in cases of emergency.	Transfers from property tax revenue, unspent annual contributions to capital from operations, and one time transfers to boost reserve levels.	Adequate to fund new capital projects identified as reserve funded in the long term financial strategy and capital planning summary and unanticipated capital expenditures within the next 5 years.	Adequate to fund new capital projects identified as reserve funded in the long term financial strategy and capital planning summary and unanticipated capital expenditures within the next 10 years.	Best practices call for fund balances based upon an analysis of the needs of the municipality, taking into consideration long term financial strategies, capital project plans, and asset management plans.
<b>PROGRAM SPECIFIC</b>					
<b>Asset Replacement/ Rehabilitation</b>	To fund asset rehabilitation and replacement capital projects.	Transfers from annual operating surpluses, franchise fees (Schedule C), budgeted transfers from municipal property tax revenue, and other one-time transfers to boost reserve levels.	Adequate to fund rehabilitation and replacement capital projects identified as reserve funded in the long term financial strategy and capital planning summary and unanticipated capital expenditures within the next 5 years.	Adequate to fund rehabilitation and replacement capital projects identified as reserve funded in the long term financial strategy and capital planning summary and unanticipated capital expenditures within the next 10 years.	Best practices call for fund balances based upon an analysis of the needs of the municipality, taking into consideration long term financial strategies, asset management plans, and annual Depreciation amounts.
<b>Flood Mitigation Structure Maintenance</b>	To fund the work required to maintain flood mitigation structures, particularly after an event.	Budgeted transfers from municipal property tax revenue.	\$250,000	\$2,000,000	Estimated cost to maintain flood mitigation structures.
<b>Water Utility</b>	To fund capital projects related to the Water and Utility metering Systems.	(1) special financing initiatives (2) special requisitions (3) grant funding specific to utility programs (4) net surplus from annual operations of the Utility department	\$2,000,000	\$2,500,000	Rate model projections of reserve requirements to fund anticipated water capital projects over the next 10 years.
<b>Wastewater Utility</b>	To fund capital projects related to the Wastewater and Storm Drainage Systems.	(1) special financing initiatives (2) special requisitions (3) grant funding specific to utility programs (4) net surplus from annual operations of the Utility department	\$3,000,000	\$4,000,000	Rate model projections of reserve requirements to fund anticipated wastewater capital projects over the next 10 years.

<b>Solid Waste Collection</b>	To fund the lifecycle replacement of capital infrastructure or future capital acquisitions relating to solid waste collection services.	(1) special financing initiatives, (2) special requisitions (3) grant funding (4) net operating surplus of the Solid Waste Collection department	\$250,000	\$300,000	Rate model projections of reserve requirements to fund anticipated solid waste collection capital projects over the next 10 years.
<b>Solid Waste Recycling</b>	To fund the lifecycle replacement of capital infrastructure or future capital acquisitions relating to solid waste recycling services.	(1) special financing initiatives, (2) special requisitions (3) grant funding (4) net operating surplus of the Solid Waste Recycling department	\$250,000	\$350,000	Rate model projections of reserve requirements to fund anticipated solid waste recycling capital projects over the next 10 years.
<b>Vital Homes</b>	To fund the construction and operation of Vital Homes units and acquisition of land as determined in consultation with CCHC.	Mill rate assessment on residential and non-residential sectors, and one-time transfers to boost reserve levels per Council resolution or policy.	TBD	TBD	Best practices call for fund balances based upon an analysis of the needs of the municipality, taking into consideration strategic and capital project plan.
<b>Photo Radar</b>	To fund expenses related to policing or traffic safety initiatives and community safety initiatives and programs.	Net revenues from contracted photo radar speed enforcement	None	None	None
<b>Art Trust Fund</b>	To fund local, invitational, open or commemorative art competitions, community art projects, public art projects, and related maintenance and operations of the public art program	Annual budget allocations equal to \$5 per capita and allocation of 0.5% of the average of the previous five-year period's annual approved budgets' Town contributions to above ground construction projects.	None	None	None
<b>Economic Development</b>	To fund economic development initiatives and/or programs.	Any positive differences between the funding provided economic development initiatives/programs and the amount collected from Business Registry fees, and one time contributions to boost balances.	None	None	None
<b>Sustainability</b>	To fund programs and projects to finance and promote energy efficiency, greenhouse gas reduction measures, and climate adaptation. See attached Schedule C.	Transfers from franchise fees	None	None	None
<b>Integrated Transportation Management Reserve</b>	To fund strategies of the Integrated Parking Management Plan including but not limited to transit operations and infrastructure, parking infrastructure, maintenance and rehabilitation, and complete streets infrastructure including enhancements to the Town Centre. See attached Schedule B.	Paid Parking Revenue Allocation Model (PPRAM)	None	None	None

<b>Development Application Reserve</b>	To provide funding for scalable resourcing levels required to accommodate fluctuations in planning and development applications without requiring tax-funded support. The reserve is used to stabilize the operating budget, fund one-time operating expenditures, and fund capital expenditures related to businesses enhancements that support the processing of development related applications.	Annual operating surpluses from fee supported operations in the Planning & Development and Engineering departments.	None	The target balance for the reserve is 50% of annual budgeted fee-based expenditures in Planning & Development and Engineering	The optimum level is intended to provide sufficient rate-supported stabilization to the fee-supported operations to either scale up to meet higher than anticipated volumes; and to retain a core staff complement in the event of a sustained downturn in application volumes.
<b>Livability Reserve</b>	To fund livability initiatives in one or more of the following areas: increasing purpose built rental development, increasing non-market housing including the purchase of related land or property, supporting infrastructure for non-market housing, incentivizing accessory buildings or dwelling units, providing grants to non-profit housing providers who operate or deliver affordable housing to low income households, funding the cost of administering the Livability Tax Program and implementing the initiatives, and/or preserving existing affordable rental housing.	Funds are collected from the Livability Tax Program.	None	None	None
<b>Offsite Levy</b>	To fund the future costs to provide new or expanded infrastructure required for development.	Levies assessed to development in accordance with the Municipal Government Act	None	None	None
<b>Recreation Levy</b>	To fund recreation projects in accordance with the Recreation Contribution Policy.	To accumulate voluntary contributions from development towards new recreation infrastructure	None	None	None
<b>Cash in-lieu of Bear Bins</b>	To fund the purchase and installation of a waste containers within existing neighbourhood required as a result of in-fill development	In-lieu cash payments from developments where the total number of residential units is less than eight (8)	None	None	None
<b>Cash in-lieu of Parking</b>	To fund the purchase of land suitable for future parking developments and to plan, develop and construct parking facilities	Funds are collected as part of the Development Permit process, and payments are outlined in a Development Agreement.	None	None	None
<b>Cash in-lieu of Municipal Reserve</b>	To fund public parks, public recreation areas or school authority developments as are allowed by Section 671(2) of the MGA	Funds are collected as part of the Subdivision approval process, and payments are outlined in a Subdivision Servicing Agreement.	None	None	None

# Schedule B- Paid Parking Revenue Allocation Model (PPRAM)

**Principle 1 – Cost Recovery Principle:** The full cost of parking management should be covered with the revenues of the paid parking program. Each budget cycle, the program costs are approved by Council, based on projected resource requirements, and estimated revenues.

Regular fee reviews will be conducted with every two-year budget cycle. Administration will bring forward differential pricing strategies that will include analysis of existing market price and utilization, peak-load pricing, pricing based on location scenarios etc.

**Principle 2 - Benefits and Subsidies Principle:** The costs of parking should be borne by those that benefit from parking, with a user-pay approach being preferable to general taxation. This approach directs a greater share of costs to those directly benefiting and reduces subsidies for driving. The community at large benefits from the provision of transit as it reduces traffic congestion and parking demand. The benefit is maximized when transit usage is maximized. Making local transit fare-free offset by parking revenues was identified as a primary strategy for parking management in the Integrated Parking Management Plan and approved by Council. Offsetting a portion of the costs of local transit with parking revenues continues to be a complimentary strategy in support of parking goals.

**Principle 3 - Management of Public Assets Principle:** The Town has a responsibility to appropriately manage and maintain its assets to ensure the ongoing function and benefit to the community. Transportation infrastructure assets (pathways, roads, streets, transit, signage, parking) represent a significant portion of the Town's asset base. This principle recognizes that the cost of lifecycle maintenance and improvements of these assets should be considered when determining the allocation of the paid parking revenues.

Following these principles, paid parking revenues will be allocated in the following manner:

## **Operating Expenses**

Based on the cost recovery principle, the paid parking revenues will first and foremost offset direct costs associated with the paid parking operations. The net income will then be transferred as per the allocation in the following sections.

In the unlikely event that the paid parking revenues are not sufficient to cover all the Operating Expenses, a draw from the Integrated Transportation Management Reserve would occur. Should the balance in the ITM not be sufficient to cover paid parking Operating Expenses and the planned transit amount, a draw from the Tax Stabilization Reserve would take place. Transfers to reserves, the Town Centre Grant Program, and the Rocky Mountain Heritage Foundation would not occur. In such a circumstance, the paid parking Operating Expenses need to be reduced while looking for strategies to increase the paid parking revenues.



## Transit Services

Net paid parking revenues will continue to cover a portion of transit costs that would have otherwise been covered by user fees or tax funded. Parking revenues collected in the Town Centre and at Quarry Lake are directed back into a service that directly benefit residents, visitors, and businesses in those areas and will continue the social benefit of managing parking demand and congestion, and providing a safe, accessible, and affordable transportation option.

To ensure sustainability of this vital service, a fixed amount for each fiscal year of transit operations within the two-year budget process is funded as the priority from net paid parking revenue. This amount, which is informed by the Bow Valley Regional Transit Services Commission budget requisition should not exceed 50% of the net paid parking income.

It is recommended that contributions to transit operations do not exceed 50% of net paid parking income, to allow for an approximate equal split between operating and capital contributions. Contribution to the Integrated Transportation Management capital reserve will allow for funding of infrastructure, maintenance, and replacement in support of the Integrated Parking Management Plan, including transit operations.

## Rocky Mountain Heritage Foundation

As co-owners of the Quarry Lake, 50% of the net paid parking revenue attributable to Quarry Lake operations is paid to the Rocky Mountain Heritage Foundation subject to the final executed agreement. Exact amounts will vary each year based on actual Quarry Lake operations' revenues and expenses.

## Town Centre Grant Program

The Town Centre Grant Program was developed in 2022 in consultation with the Downtown Business Improvement Area (BIA).

The grant program creates a mechanism through which the BIA can request funding to deliver on projects, programs, or initiatives to support the enhancement of the BIA area in alignment with Town Strategic documents while keeping the focus on areas of the BIA boards' strategic priorities. Eligible grant-funded projects are reviewed and ranked by a small group of Town staff based on their ability to demonstrate fit with the purpose of the grant and its eligibility criteria. Applications will be evaluated against the following criteria:

- *Strategic Plan and Guiding Document Alignment* – how the project supports the objectives and key results in Council's Strategic Plan and other guiding documents.
- *Multi-Modal Transportation and Parking* – how the project aligns with the guidance provided in the ITP and IPMP.
- *Economic Benefit* – how the project benefits the Town Centre business community and how the project utilizes other grants or funding sources.

Council approves the grant funding as part of the two-year budget approval process based on the PPRAM. The process of allocation is intended to be collaborative between the Town and BIA. Unspent grant funds are set aside in the Asset Replacement/Rehabilitation Reserve for future Town Centre Grant Program needs.

Based on historical community grants and other Town Centre enhancement funding opportunities (e.g., in-street patios, vibrancy initiatives) an amount of \$50,000 annually was approved by Council. There are

significant infrastructure capital needs outside of this grant program and therefore this grant stream will be used for capital or operating programs/services with no recurring operating impact to municipal taxes.

### **Contribution to Reserve**

Following the allocation to cover Operating Expenses, transit services, RMHF and the Town Centre Grant Program as outlined above, the balance of net parking income will be transferred to the Integrated Transportation Management Reserve to fund future maintenance and replacement/rehabilitation of existing assets as well as to fund improvements. This approach seeks to provide sufficient resources for Integrated Transportation Management Plan implementation while helping to close the gap that currently exists between reserve contributions and anticipated lifecycle maintenance needs.

# Schedule C- Franchise Fees Allocation

Franchise fees are used in their entirety to support capital requirements and climate action initiatives.

Starting in 2021, operating budget support for capital came from franchise fees as opposed to taxes. A percentage of the franchise fees fund climate action initiatives with the residual going to the Asset Replacement/Rehabilitation Reserve.

Each year, an amount that is roughly 5% of the previous year's taxes is transferred to fund operating capital items. This funding is applied to the capital program before drawing funding from reserves.

A further portion of the franchise fees is then used to support climate action initiatives, and this increases by a percentage point each year to a maximum of 10%. This allocation is calculated at 8% in 2024, 9% in 2025 and 10% in 2026 with the phased in increases. In addition to the increased percentages, and even once the maximum 10% is reached, the portion flowing to climate action initiatives will also continue to grow over time with the annual growth in franchise fee revenue from community growth and usage. The allocation to climate action initiatives funds 75% of the Climate Change Specialist position with the remaining 25% funded from utilities fees, as the position supports the commercial and residential organics programs. The remainder after funding this position flows to the Sustainability Reserve where it is available for the purposes as specified in Schedule A.

90% of annual franchise fees fund the Asset Replacement/Rehabilitation Reserve. 10% of annual franchise fees flow to the Sustainability Reserve to fund climate action initiatives.

## **FORTIS FRANCHISE FEES**

The Town and FortisAlberta entered into a franchise agreement in 2003 for a period of 10 years and renewed the agreement for a further 10 years in October of 2013. Administration has now signed a five-year renewal of this agreement. For each calendar year, the franchise fee is calculated as a percentage of FortisAlberta's actual revenue in that year from the distribution tariff rates charged for electric distribution service within the Municipal service area, excluding any amounts refunded or collected pursuant to riders. This type of revenue grows each year as the community expands and is significant in managing growth pressures.

**Fortis franchise fees are set at 16% in 2024** and thereafter, a 2% increase will be implemented every other year until the maximum fees permissible of 20% is achieved in 2028.

## **ATCO FRANCHISE FEES**

ATCO Gas has been supplying natural gas to the Town of Canmore and its residents under a Franchise Agreement since 1966, which was renewed in 2015. The agreement grants ATCO Gas the exclusive right to provide natural gas distribution services, construct, operate, and maintain the distribution system, and make use of roads, rights-of-way, and land owned by the Town for those purposes within the municipality. In exchange for the exclusive franchise, ATCO Gas takes the full responsibility for the distribution service, construction, operation, and maintenance of the distribution system, and collects a franchise fee from the consumer that is paid to the Town. The maximum franchise fee rate permissible is 35%.

The ATCO franchise fee is a percentage in each calendar year of ATCO Gas' actual total revenue derived from the delivery tariff, including the fixed charge, base energy charge, and demand charge, but excluding the cost of natural gas.

**ATCO franchise fees are currently set to the maximum 35%.**



# Council Policy

<b>Policy Title:</b>	<b>Reserves</b>
<b>Policy Number:</b>	FIN-007
<b>Date in Effect:</b>	August 22, 2017
<b>Current as of:</b>	<del>December 5, 2023</del> <u>amendment in progress</u>

## POLICY STATEMENT

- 1 Canmore is sustainable only if both its capital infrastructure assets and its financial assets can be maintained over the long term. It is the policy of the Town of Canmore to establish reserve funds to ensure the long-term financial stability and flexibility of the Town of Canmore, to position it to respond to varying economic conditions and changes affecting the Town's financial position, and to ensure the organization has the ability to continuously carry out its responsibilities.

## PURPOSE

- 2 The purpose of this policy is to establish guidelines, limits, and conditions applicable to the segregation of the Town of Canmore's accumulated surplus, referred to as restricted surpluses in its audited financial statements, into reserves funds. The reserves practices will ensure a favourable and sustainable financial position while supporting the ability to meet current and future operating and infrastructure requirements by maintaining reserves funds sufficient to achieve the following:
  - a) The organization has sufficient working capital so that it is able to sustain operations through delays in receipt of payments of committed funding and to accept reimbursable contracts and grants without jeopardizing ongoing operations;
  - b) The organization has sufficient resources to fund the acquisition or construction of new capital assets and the replacement and rehabilitation of major capital infrastructure assets, as required and as identified in the Town of Canmore Strategic, Capital, and Long-Term Financial Strategy Plans;
  - c) Public confidence in the long-term sustainability of the organization is promoted by preventing cash flow crises that can diminish its reputation and force its leaders to make expensive short-term, crisis-based decisions;
  - d) The organization has sufficient resources to fund budgeted contingency amounts for unpredictable revenues, volatile expenditures, and unanticipated opportunities and/or challenges;
  - e) To contribute favourably to the liquidity position of the organization;

Policy approved by: \_\_\_\_\_

- f) A favourable credit status and financial flexibility is maintained;
- g) The organization complies with the ~~Government Finance Officers Association (GFOA), Alberta Chapter, “Municipal Budgeting Alberta Best Practices”~~; industry best practices; and
- h) The organization meets the objectives of the Town’s Debt Management Policy, the Property Tax Policy, Long Term Financial Strategy, and the Town of Canmore Strategic Plan.

**DEFINITIONS**

- 3 “Capital Reserves” means the portion of unrestricted net assets that the Town maintains, or that Council has designated (or “restricted”) for use in maintaining an adequate reserve to acquire or construct new capital assets and replace and rehabilitate major capital infrastructure assets as required, and as identified in the Town of Canmore Strategic, Capital, and Long-Term Financial Strategy Plans.
- 4 “Dedicated Reserves” means the portion of unrestricted net assets that the Town has collected from developers to fund specific initiatives and/or projects. The funds may not be used for any other purpose than what they were collected for.
- 5 “Depreciation” means the amortization amount of fixed assets, such as buildings and equipment, in order to allocate the cost over its useful life. It is a process of cost allocation and not valuation. Depreciation increases expenses but does not reduce cash.
- 6 “Operating Expenses” means the annual expenditures to fund regular operations and for greater certainty, do not include transfers from operating to fund capital expenditures, transfers to reserves, internal transfers between departments, and funds expended on non-tangible capital asset.
- 7 “Operating Reserves” means the portion of unrestricted net assets that the Town maintains, or that Council has designated (or “restricted”) for use in:
  - a) emergencies to sustain financial operations for a reasonable period in the event of significant and unanticipated, unbudgeted increases in Operating Expenses and/or losses in operating revenues, and/or
  - b) funding budgeted contingencies for non-emergent but unpredictable revenues, volatile expenditures, and unanticipated opportunities and/or challenges, and/or
  - c) funding for the mitigation of tax rate increases.
- 8 “Program Specific Reserves” means the portion of unrestricted net assets that the Town maintains, or that Council has designated (or “restricted”) for use in specific initiatives or programs for which the funds are collected.

Policy approved by: \_\_\_\_\_

**GENERAL GUIDELINES**

- 9 All reserve transfers, re-designations, revisions, and new account requests must be approved by Council. Approvals may be in the form of:
  - a) The annual operating or capital budget approval;
  - b) A carryover project that was contained in an approved operating or capital budget; or
  - c) A Council resolution.
- 10 Draws from reserves must not exceed the fund balance unless it can be demonstrated to Council that future sources of revenue will provide adequate funding to return the fund to a positive balance.
- 11 All operating and capital reserve funds must be fully described and include a purpose, source of funding, minimum level, optimum or target level, and the rationale used to establish the levels.
- 12 Before creating a new reserve fund, the option of adding an incremental contribution to an existing fund of a like nature will be considered.
- 13 The prescribed fund limits will be reviewed by Council at least once each term of office.
- 14 Interest will be paid to all reserve funds based on the average balance, calculated as the opening plus closing balances divided by two, at the annual average rate of return on long and short-term investments.
- 15 The Town will maintain reserve funds in accordance with Schedules [A](#), [B](#), and [C](#).
- 16 Program Specific Reserve funds are intended to accumulate the money collected for specific initiatives or programs stipulated at the time of collection.

**MANAGEMENT OF THE RESERVE FUNDS**

- 17 Under the direction of Council, the chief administrative officer or their designate will ensure funds are invested according to the guidelines set out in the Town’s Investment Policy and in accordance with provincial legislation.
- 18 Reserve funds will be drawn down only under circumstances specific to the individual reserve fund.
- 19 For reporting purposes, the reserve funds will be listed separately in the “notes” section of the Town’s financial statements.

**RESPONSIBILITIES**

- 20 Only Council can approve the drawing down of a fund for operating or capital purposes.
- 21 The Finance Committee will review the reserves policies at least every term of Council, or sooner if conditions warrant, and provide recommendations for Council approval.

Policy approved by: \_\_\_\_\_

22 Administration will annually provide Council with:

- a) Actual year end reserve fund balances;
- b) Five-year, projected, uncommitted reserve fund balances;
- c) Five-year, anticipated reserve contributions and draws;
- d) Reserve fund statistics as follows:
  - i) capital reserve fund contributions as a ratio to capital asset value,
  - ii) capital reserve fund contributions as a percentage of annual Depreciation,
  - iii) the ratio of reserve funds to outstanding debt,
  - iv) the unamortized balance of capital assets relative to historical cost (the asset consumption ratio), and
  - v) total annual budgeted operating expenditures.

e) Livability Tax Program key performance indicators (KPIs) as follows:

- i) count and percent of properties occupied and not occupied by primary residents, by type and location,
- ii) count and percent of owner versus tenant occupied properties, by type and location,
- iii) count and percent of primary residence properties with multiple dwelling units,
- iv) incremental revenues associate with the Livability Tax Program,
- v) number of Tourist Homes converted to Residential,
- vi) count and percent of exempt properties by reason,
- vii) average assessed value of non-primary residences versus all residential properties,
- viii) number and percent of declaration audits per year,
- ix) number and percent of false declarations of all those audited,
- x) amounts of taxes recovered,
- xi) dollar value of fines issued,
- xii) number of complaints received from the public about houses not occupied as primary residences, and
- xiii) number and percent of complaints found to be valid.

#### **VISION ALIGNMENT**

- 23 ~~Canmore's services and programs respond to the aspirations of its residents and visitors and are delivered in an effective, innovative, and fiscally responsible manner. Repealed~~

#### **POLICY REVIEW**

- 24 This policy will be reviewed by Council on or before July 30, ~~2025~~2029.

#### **RELATED DOCUMENTS**

Municipal Government Act

~~Government Finance Officers Association (GFOA), Alberta Chapter, "Municipal Budgeting Alberta Best Practices"~~

Policy approved by: \_\_\_\_\_

Debt Management Policy  
 Property Tax Policy  
Investment Policy  
 Town of Canmore Strategic Plan  
 Town of Canmore Long Term Financial Strategy

**ATTACHMENT**

- 1) Reserves Policy – Schedule A
- 2) Paid Parking Revenue Allocation Model --Schedule B
- 3) Franchise Fee Allocation Model – Schedule C

**REPEALS POLICY:** Reserves Policy 223-2016

**AUTHORIZATION**

\_\_\_\_\_  
 Sean Krausert  
 Mayor

\_\_\_\_\_  
 Cheryl Hyde  
 Manager, Municipal Clerk’s Office

**REVISION HISTORY**

Action	Date	Council Motion	Notes
Approved	2017-08-22	62-2017FIN	Approved by the Finance Committee
Amended	2021-02-23	44-2021	Schedule A: add sustainability reserve and paid parking reserve, amend PAH to Vital Homes
Amended	2021-08-17	197-2021	Schedule A: amend art trust; update formatting and numbering in policy
Amended	2022-04-05	87-2022	Schedule A: add development application reserve
Amended	2023-12-05	313-2023	Schedule A: amend paid parking reserve to Integrated Transportation Management Reserve (name and description/usage change)
<u>Amended</u>	<u>2024-11-05</u>		<u>Add Livability Tax Program KPI reporting and a new Livability Reserve</u> <u>Added Schedules B and C</u>

Policy approved by: \_\_\_\_\_



Fund	Purpose	Funding Source(s) *	Minimum \$ Level	Target/Optimum \$ Level	Rationale Used to Establish Levels
<b>OPERATING</b>					
<b>General Municipal Operating</b>	For working capital purposes, to provide funding for unanticipated operating expenditures in the course of providing municipal services, and for unforeseen general operating emergency expenditures.	One time transfers and one-time unbudgeted sources of revenue.	5% of annual operating expenditures	10% of annual operating expenditures	GFOA best practices as applied upon assessment of the Town's circumstances and considering any short term operating credit facilities available.
<b>Corporate Operating Contingency</b>	Subject to multi-year budgeting being approved by Council or required by provincial legislation, to fund unexpected or emergent operating demands that arise as a natural consequence of multi-year budgeting.	Original fund established by a transfer from the general operating reserve and then from municipal property taxes as required.	1% of annual budgeted municipal property taxes	1.5% of annual budgeted municipal property taxes	Comparison to amounts set by other municipalities and historical experience with amounts actually utilized each year.
<b>Tax Stabilization</b>	To mitigate tax rate increases in cases of an emergent and/or non-recurring nature.	One time transfers and one-time unbudgeted sources of revenue.	3% of annual operating expenditures	7% of annual operating expenditures	GFOA best practices so that the total of this and the general operating fund equal a minimum of 1 month (8%) and an optimum of 2 months (17%) of annual operating expenditures.
<b>CAPITAL</b>					
<b>General Municipal Capital</b>	To fund new capital projects or for capital expenditures necessary in cases of emergency.	Transfers from property tax revenue, unspent annual contributions to capital from operations, and one time transfers to boost reserve levels.	Adequate to fund new capital projects identified as reserve funded in the long term financial strategy and capital planning summary and unanticipated capital expenditures within the next 5 years.	Adequate to fund new capital projects identified as reserve funded in the long term financial strategy and capital planning summary and unanticipated capital expenditures within the next 10 years.	Best practices call for fund balances based upon an analysis of the needs of the municipality, taking into consideration long term financial strategies, capital project plans, and asset management plans.
<b>PROGRAM SPECIFIC</b>					
<b>Asset Replacement/ Rehabilitation</b>	To fund asset rehabilitation and replacement capital projects.	Transfers from annual operating surpluses, franchise fees (Schedule C), budgeted transfers from municipal property tax revenue, and other one-time transfers to boost reserve levels.	Adequate to fund rehabilitation and replacement capital projects identified as reserve funded in the long term financial strategy and capital planning summary and unanticipated capital expenditures within the next 5 years.	Adequate to fund rehabilitation and replacement capital projects identified as reserve funded in the long term financial strategy and capital planning summary and unanticipated capital expenditures within the next 10 years.	Best practices call for fund balances based upon an analysis of the needs of the municipality, taking into consideration long term financial strategies, asset management plans, and annual Depreciation amounts.
<b>Flood Mitigation Structure Maintenance</b>	To fund the work required to maintain flood mitigation structures, particularly after an event.	Budgeted transfers from municipal property tax revenue.	\$250,000	\$2,000,000	Estimated cost to maintain flood mitigation structures.
<b>Water Utility</b>	To fund capital projects related to the Water and Utility metering Systems.	(1) special financing initiatives (2) special requisitions (3) grant funding specific to utility programs (4) net surplus from annual operations of the Utility department	\$2,000,000	\$2,500,000	Rate model projections of reserve requirements to fund anticipated water capital projects over the next 10 years.
<b>Wastewater Utility</b>	To fund capital projects related to the Wastewater and Storm Drainage Systems.	(1) special financing initiatives (2) special requisitions (3) grant funding specific to utility programs (4) net surplus from annual operations of the Utility department	\$3,000,000	\$4,000,000	Rate model projections of reserve requirements to fund anticipated wastewater capital projects over the next 10 years.

<b>Solid Waste Collection</b>	To fund the lifecycle replacement of capital infrastructure or future capital acquisitions relating to solid waste collection services.	(1) special financing initiatives, (2) special requisitions (3) grant funding (4) net operating surplus of the Solid Waste Collection department	\$250,000	\$300,000	Rate model projections of reserve requirements to fund anticipated solid waste collection capital projects over the next 10 years.
<b>Solid Waste Recycling</b>	To fund the lifecycle replacement of capital infrastructure or future capital acquisitions relating to solid waste recycling services.	(1) special financing initiatives, (2) special requisitions (3) grant funding (4) net operating surplus of the Solid Waste Recycling department	\$250,000	\$350,000	Rate model projections of reserve requirements to fund anticipated solid waste recycling capital projects over the next 10 years.
<b>Vital Homes, formerly Perpetually Affordable Housing</b>	To fund the construction and operation of Vital Homes, <del>formerly Perpetually Affordable Housing</del> units and acquisition of land as determined in consultation with CCHC.	Mill rate assessment on residential and non-residential sectors, and one-time transfers to boost reserve levels per Council resolution or policy.	TBD	TBD	Best practices call for fund balances based upon an analysis of the needs of the municipality, taking into consideration strategic and capital project plan.
<b>Photo Radar</b>	To fund expenses related to policing or traffic safety initiatives and community safety initiatives and programs.	Net revenues from contracted photo radar speed enforcement	None	None	None
<b>Art Trust Fund</b>	To fund local, invitational, open or commemorative art competitions, community art projects, public art projects, and related maintenance and operations of the public art program	Annual budget allocations equal to \$5 per capita and allocation of 0.5% of the average of the previous five-year period's annual approved budgets' Town contributions to above ground construction projects.	None	None	None
<b>Economic Development</b>	To fund economic development initiatives and/or programs.	Any positive differences between the funding provided economic development initiatives/programs and the amount collected from Business Registry fees, and one time contributions to boost balances.	None	None	None
<b>Sustainability</b>	To fund programs and projects to finance and promote energy efficiency, greenhouse gas reduction measures, and climate adaptation. See attached Schedule C.	Transfers from franchise fees	None	None	None
<b>Integrated Transportation Management Reserve</b>	To fund strategies of the Integrated Parking Management Plan including but not limited to transit operations and infrastructure, parking infrastructure, maintenance and rehabilitation, and complete streets infrastructure including enhancements to the Town Centre. See attached Schedule B.	Paid Parking Revenue Allocation Model (PPRAM)	None	None	None

<b>Development Application Reserve</b>	To provide funding for scalable resourcing levels required to accommodate fluctuations in planning and development applications without requiring tax-funded support. The reserve is used to stabilize the operating budget, fund one-time operating expenditures, and fund capital expenditures related to businesses enhancements that support the processing of development related applications.	Annual operating surpluses from fee supported operations in the Planning & Development and Engineering departments.	None	The target balance for the reserve is 50% of annual budgeted fee-based expenditures in Planning & Development and Engineering	The optimum level is intended to provide sufficient rate-supported stabilization to the fee-supported operations to either scale up to meet higher than anticipated volumes; and to retain a core staff complement in the event of a sustained downturn in application volumes.
<b>Livability Reserve</b>	To fund livability initiatives in one or more of the following areas: increasing purpose built rental development, increasing non-market housing including the purchase of related land or property, supporting infrastructure for non-market housing, incentivizing accessory buildings or dwelling units, providing grants to non-profit housing providers who operate or deliver affordable housing to low income households, funding the cost of administering the Livability Tax Program and implementing the initiatives, and/or preserving existing affordable rental housing.	Funds are collected from the Livability Tax Program.	None	None	None
<b>Offsite Levy</b>	To fund the future costs to provide new or expanded infrastructure required for development.	Levies assessed to development in accordance with the Municipal Government Act	None	None	None
<b>Recreation Levy</b>	To fund recreation projects in accordance with the Recreation Contribution Policy.	To accumulate voluntary contributions from development towards new recreation infrastructure	None	None	None
<b>Cash in-lieu of Bear Bins</b>	To fund the purchase and installation of a waste containers within existing neighbourhood required as a result of in-fill development	In-lieu cash payments from developments where the total number of residential units is less than eight (8)	None	None	None
<b>Cash in-lieu of Parking</b>	To fund the purchase of land suitable for future parking developments and to plan, develop and construct parking facilities	Funds are collected as part of the Development Permit process, and payments are outlined in a Development Agreement.	None	None	None
<b>Cash in-lieu of Municipal Reserve</b>	To fund public parks, public recreation areas or school authority developments as are allowed by Section 671(2) of the MGA	Funds are collected as part of the Subdivision approval process, and payments are outlined in a Subdivision Servicing Agreement.	None	None	None



# Request for Decision

**DATE OF MEETING:** November 5, 2024 **Agenda #: H 4**

**TO:** Council

**SUBJECT:** 2024 Capital Budget Amendment – Community Fireguard Construction

**SUBMITTED BY:** Caitlin Miller, Manager of Protective Services

**RECOMMENDATION:** That Council approve a new 2024 capital project for the construction of community fireguards in Stoneworks Creek, Harvie Heights, and the East Park Gates funded in full by the Forest Resource Improvement Association of Alberta (FRIAA) grant in the amount of \$750,000.

## EXECUTIVE SUMMARY

Following Motion 193-2024, administration applied for grant funds through the Forest Resource Improvement Association of Alberta (FRIAA) Community Fireguard Program. Administration was notified that the grant application was successful on October 17, 2024. This request is to create a capital project and allow work to begin as early as November 18, 2024.

## RELEVANT COUNCIL DIRECTION, POLICY, OR BYLAWS

Motion 193-2024 – That Council approve the submission of a Request for Proposals in the FRIAA Community Fireguard Program, for Phase 2: Construction.

## DISCUSSION

Following Motion 193-24 at the September 4, 2024 Council meeting, administration applied for grant funds through the Forest Resource Improvement Association of Alberta (FRIAA) Community Fireguard Program and was awarded \$750,000 to advance the construction of community fireguards in Stoneworks Creek, Harvie Heights, and the East Park Gates. Subject to Council approving this capital project construction is expected to begin as early as November 18, 2024.

## ANALYSIS OF ALTERNATIVES

None.

## FINANCIAL IMPACTS

The expected grant award is for \$750,000. There are no anticipated impacts to the 2024 or 2025 operational budgets as a result of this work.

## INTEREST HOLDER ENGAGEMENT

While the Town of Canmore is leading this project, administration continues to work closely with the MD of Bighorn, Kananaskis Improvement District, Alberta Forestry and Alberta Parks.

Engagement with the community and interest holders continues. Since the September 4, 2024 Council meeting, the Manager of Protective Services has presented information at the October 5, 2024 Canmore Fire

Department Fire Prevention Week pancake breakfast, met with several individual residents requesting more information, worked closely with Stone Creek Properties regarding access to their land, and presented at the October 7, 2024 Earth Talk hosted by the Biosphere Institute of the Bow Valley.

Indigenous consultation occurred through September and October and followed Alberta’s Aboriginal Consultation Office’s (ACO) process. A record of consultation has been submitted to the ACO.

**ATTACHMENTS**

- 1) Community Fireguard Phase 2 – Construction Capital Project Sheet (CP7386)

**AUTHORIZATION**

Submitted by:	Caitlin Miller Manager of Protective Services	Date:	<u>October 10, 2024</u>
Approved by:	Chelsey Gibbons Manager of Finance	Date:	<u>October 18, 2024</u>
Approved by:	Scott McKay General Manager of Municipal Services	Date:	<u>October 18, 2024</u>
Approved by:	Sally Caudill Chief Administrative Officer	Date:	<u>October 29, 2024</u>



# Community Fireguard Phase 2 - Construction

Project Summary

Project Number

7386

<b>Budget Year:</b>	2024
Department:	Municipal Enforcement
Questica Reference:	PRO-24-09

<b>Budget:</b>	\$750,000
Project Type:	Other
Priority:	B

## Project Description:

To help protect Canmore and the surrounding areas from wildfire, a fireguard from the East Park Gates to Dead Man's Flats will be constructed in phases over a period of three to five years. Construction of the fireguard will use a combination of mechanical tree removal and forest thinning. While the fireguard will protect the Hamlets of Harvie Heights, Dead Man's Flats, and the Town of Canmore, the majority of the work will be completed on provincial land.

The project will be grant funded.

END

## Budget Funding:

	2024	2025	2026	2027	2028	2029	Total
Provincial Grants	\$750,000	0	0	0	0	0	\$750,000
<b>Total</b>	<b>\$750,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>\$750,000</b>

## Operating Budget Impact:

n/a

END



# Community Fireguard Phase 2 - Construction

Project Summary

Project Number

7386

## Project Rationale:

Wildfire is the top rated hazard to life, property, and critical infrastructure within and around the Bow Valley. The construction of a fireguard will help to reduce losses in the event of a wildfire.

END

## Options Considered:

n/a

END